

AGENDA

COMMITTEE ON LANDS AND BUILDINGS

August 16, 2016
Aldermen Long, Shaw,
Cavanaugh, Herbert, Pappas

4:30 p.m.
Aldermanic Chambers
City Hall (3rd Floor)

1. Chairman Long calls the meeting to order.
2. The Clerk calls the roll.
3. Communication from Constantine Scrivanos on behalf of Mantec, LLC regarding interest in purchasing a City-owned parcel on Beech Street, Map 278 Lot 2A abutting Dunkin Donuts.
Ladies and Gentlemen, what is your pleasure?

TABLED ITEMS

(A motion is in order to remove any item from the table.)

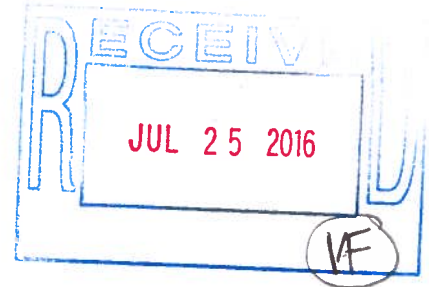
4. Communication from Mike Lanoie of the Derryfield Restaurant, requesting changes to the property and approval of the amended management agreement.
(Note: Tabled 6/28/16; revised contract to be submitted.)
5. Request to purchase City-owned property located at Tax Map 356, Lot 1A, behind 399 Silver Street.
(Note: Communication from the NHDOT and the applicant are attached. Tabled 6/28/16; Applicant to obtain a survey of the property and communication from NHDOT regarding the sale of the property, and the Planning Department to verify the intended purpose.)

6. Communication from Marc Pinard, Brady Sullivan General Counsel, submitting a request to purchase land comprising of Plaza Drive.
(Note: Tabled 12/14/15; additional information to come from City staff and Brady Sullivan Properties.)
7. If there is no further business, a motion is in order to adjourn.

Matnec, LLC
3 Pluff Avenue
North Reading, MA 01864

July 14, 2016

Mayor Ted Gatsas
City of Manchester
Board of Mayor and Aldermen
1 City Hall Plaza
Manchester, NH 03101



RE: Dunkin' Donuts – 921 Beech Street – Parcel 278/1

Dear Mayor Gatsas,

I am writing to you on behalf of Matnec, LLC to express our continued interest in purchasing this 0.17 acre parcel of land.

Pursuant to a licensing agreement with the City of Manchester dated August 31, 1981, our Dunkin Donuts store is using this parcel for parking and to provide additional access for our patrons.

We would like to come before the Committee of Lands and Buildings to continue our discussions on our original offer of \$50,000.00.

We thank you for your time and consideration of this matter. I look forward to hearing from you.

Sincerely,

Constantine G. Scrivanos
Managing Member

City of Manchester:

The Derryfield Restaurant would also like to construct a snack shack located to the left of the 10th tee. The cost of the construction would be paid for by the restaurant (with the exception of the bathrooms and tree removal). The City is to review and approve plans.

The restaurant would also like to increase the size of the north lot (City to provide needed fill). The restaurant will provide engineered plan for City's approval.

These changes would also be incorporated in the addendum to the lease which is enclosed.

Sincerely,



Mike Lanoie
The Derryfield Restaurant

ADDENDUM NUMBER FOUR
TO MANAGEMENT AGREEMENT

This Addendum to Management Agreement is made this ____ day of _____, 2016 by and between CITY OF MANCHESTER, a duly organized municipal corporation, having an address of One City Hall Plaza, Manchester, New Hampshire, 03101, by and through its Parks, Recreation & Cemetery Department, having an address of 625 Mammoth Road, Manchester, County of Hillsborough and State of New Hampshire (hereinafter called "Owner"), and BLL RESTAURANT, INC., a New Hampshire Corporation having a principal place of business at 625 Mammoth Road, Manchester, County of Hillsborough and State of New Hampshire (hereinafter called ("Manager").

WHEREAS, the Owner and Manager have entered into a certain Management Agreement dated December 13, 2002 regarding the construction and management of certain premises owned by the Owner at 625 Mammoth Road ("Management Agreement");

WHEREAS, the Owner and Manager have entered into an Addendum to Management Agreement dated March 14, 2003;

WHEREAS, the Owner and Manager have entered into an Addendum Number Two to Management Agreement dated October 8, 2004;

WHEREAS, the Owner and Manager have entered into an Addendum Number Three to Management Agreement dated _____; and

WHEREAS, the Owner and Manager desire to further amend certain terms of the Management Agreement.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Section 3 of the Management Agreement is amended by adding the following to the end of the Section:

"The Term of this Agreement shall be extended for a Twenty-Five (25) year period commencing on _____ and terminating on _____. The Manager shall have the Option to Extend the term for one (1) additional period of five (5) years, commencing on _____ and terminating on _____ by providing the Owner with written notice of its intent to exercise this Option within ninety (90) days prior to termination. Such Option Term shall be on the same terms and conditions then in effect at the time the Option is exercised."

2. The first sentence of Exhibit B shall be amended as follows:

“The Share of Revenue shall consist of three components.”

3. Exhibit B, #2 shall be amended by replacing the existing language with the following:

“Beginning on _____ and on the first of every month thereafter, through the remaining term of this Management Agreement, Manager shall pay to Owner the amount of Twelve Thousand Dollars (\$12,000.00), in fulfillment of its Minimum Share of Revenue Obligations under the Management Agreement.”

4. Exhibit B, #3(a), (b), and (c) shall be amended by replacing the existing language with the following:

“For the period beginning on _____ through the remaining term of this Management Agreement, the Percentage Share of Revenue shall be an amount equal to 1.5% of Gross Revenues.”

5. Exhibit B, #4 as set forth in Addendum Number Three to Management Agreement is deleted in its entirety.

6. These Amendments shall become effective on _____.

7. All other provisions of the Management Agreement, as amended, shall remain in full force and effect. In the event of any inconsistency between this Addendum Number Four and the Management Agreement, as amended, the terms of this Addendum Number Four shall control.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be signed by a duly authorized person on the day and year first above-written.

CITY OF MANCHESTER

BLL RESTAURANT, INC.

By: _____
Name: Theodore L. Gatsas

By: _____
Name: Michael Lanoie

Title: Mayor

Title:

By: _____

Name: William Laberge

Title:



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

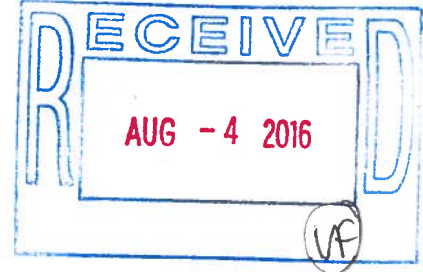


William Cass, P.E.
Assistant Commissioner

July 29, 2016

Mayor Theodore Gatsas and City Alderman
1 City Hall Plaza
Manchester, NH 03101-2097

Re: City of Manchester – Land Sale, Provencher (399 Silver St.)
Portsmouth Branch Railroad Corridor



Dear Mayor and Alderman:


This letter is in response to correspondence from Ben Nardi at TRR Commercial (5 Heartwood Lane, Suite, Concord, NH) who has represented himself as the buyer's agent and indicated that the City of Manchester seeks the State's approval to sell a parcel (map 356-lot 1A) of the Portsmouth Branch Railroad corridor to his client.

It is understood that the City proposes the sale of this parcel that the State sold to the City in 2001 and was recorded as part of the 2001 Deed, Book 6561, Pages 1308-1310. Additionally, as noted in the recorded deed, as part of this sale the State retained the right of approval for any future disposal and the State retained a transportation easement. Therefore, the State would not object to the City's sale of this parcel contingent on the following requirements being met:

1. The State's transportation easement on the subject parcel must remain in effect and run with the land.
2. The buyer must agree to restrictions on excavation within the parcel or, if alterations to the current conditions are to undertaken as stipulated in the aforementioned deed, the buyer submit a request for review by the Federal Highway Administration relative to Section 106 of the National Environmental Policy Act.
3. The City shall provide to the State a copy of the proposed deed for review prior to the Sale Closing.

Contingent on the above noted requirements being met, the State would not object to the sale of the subject parcel. If the City has additional questions or concerns relative to this parcel, please contact NHDOT Railroad Planner Louis Barker at 271-2425 or lbarker@dot.state.nh.us.

Sincerely,


Patrick Herlihy
Director
Division of Aeronautics, Rail & Transit

Cc: Ben Nardi

August 8, 2016

Alderman Patrick Long, Chairman
Committee on Lands and Buildings
c/o City Clerk's Office
One City Hall Plaza
Manchester, NH 03101

RE: Map: 356 Lot: 1A Silver Street, Manchester, NH

Dear Mr. Chairman,

Attached please find letter addressed to the Mayor which contains the DOT consent to a sale of this portion of the RR land as identified and shown on City tax Map 356-1A as outlined by the assessor in 2013 to Mr. Provencher subject to the restrictions as described in the DOT deed to the City namely the language as follows:

" Excepting and reserving to the State of New Hampshire by or through its Department of Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the above described parcels for any mode of public travel, including but not limited to , vehicular, railroad, bus, or other forms of mass transit, pedestrian, bicycle, snowmobile (not including motorcycles) or other form of recreational travel".

It was determined that it would be best to keep the lot as shown as Map 356-1A and not to play with the line and to keep it as it is.

Request is hereby made to be placed on the agenda at your next regularly scheduled meeting to discuss the matter in further detail.

This conveyance of lot 356-1A would not interfere with future bike trail plans and protects the City and Dot for future use of the parcel per the intent of these restrictions. Mr. Provencher is willing to purchase the property subject to these conditions and easement.

I know there has been mention of selling portions of the RR land would set a "precedent" however it is expressly stated in your deed from DOT that you can sell portions of the abandoned railroad corridor so long as you get approval from the DOT. The sale of portions of this land was contemplated and expected by the DOT. If they wanted to restrict any sale of this land they would not have included any such language in the deed or would have made it clear by language in the deed stating that the City would be barred from selling portions of this land which it did not do. Thus you are not setting precedent but doing what your deed allows you to and what was contemplated by the DOT.

This sale generates income from the purchase price to be paid by Mr. Provencher and possibly others and puts it legitimately on the tax rolls moving forward. I would like to also address the matter of what happened to Mr. Provencher in getting the revocable license agreement for use of the parking lot. Certain representations were made to the Committee by the assessors office that quite a few other people with license agreements are paying the "taxes" for the use of the land however I am unable to find any actually doing so. Would it be possible to request from the assessor to prepare a list of Licensees and the "taxes" charged for the use of the land and whether or not he has in fact collected any payments from these licensees.

Obviously Mr. Provencher is ready willing and able to pay for the taxes on this parcel once transferred to him but the manner in which he was arbitrarily charged and assessed taxes for using this parcel via the license agreement is unusual and out of the norm. The purchase price to be determined and paid at closing would certainly offset any of the past disputed charges. Any clarification on this at the next meeting would be most helpful in getting a handle on what is really going on with Licensees using this land.

Along these lines and knowing that there are a good number of people using portions of this RR land without authority and or License. As a result of my research and review of the current state of affairs concerning this RR Corridor I prepared a Proposal which I delivered to the Mayor a few months ago, I have attached a copy for your review.

I believe it would be in the best interests of the City to identify each user on the RR Corridor and then notify them that they have an option to purchase the property subject DOT approval and or in the alternative pay a License Fee for the use of same equal to the tax assessed on the area of the land they are using. I would think the users would be more receptive to purchase the property subject to the DOT easement and this would generate considerable revenue dollars to the City and put all the land being used on the tax rolls.

I think it may be appropriate to get a good grasp on exactly who are using portions of this RR Corridor land without authority and identify who are using it with authority. These people should be paying and or buying the property.

I have held off on getting the formal survey done on the parcel in question until such time as the Board of Mayor and Alderman vote on whether or not to approve the sale of this lot as outlined. At that time if favorable I will complete the formal survey and get a deed description. The Assessor has laid the lot 356-1A out very well as shown on the City Assessor Map and it is clearly identified for the purposes of moving forward.

If you have any questions and or comments kindly contact me at your convenience to discuss.

Respectfully submitted,

Ben Nardi

Agent for Robert Provencher

Tel: 603-234-8074

email: bntower@cs.com

cc: Robert Provencher

To: City of Manchester
Honorable Ted Gatsas, Mayor
One City Hall Plaza
Manchester, NH 03101

From: Ben Nardi
Tower Residential Realty Commercial
69 Brook Street
Manchester, NH 03104

**PROPOSAL TO SELL PORTIONS OF THE ABANDONED
PORTSMOUTH BRANCH RAILROAD CORRIDOR**

Now comes Ben Nardi a licensed real estate broker in the State of New Hampshire and states as follows in support of this Proposal.

1. That in January of 2002 the State of New Hampshire by way of quitclaim deed transferred all of its interest in and to a portion of the abandoned Portsmouth Branch railroad corridor.
2. That the quitclaim deed states that the City of Manchester agrees to the following;
 - 1.) The City of Manchester shall use and manage the abandoned railroad corridor as a recreational trail for use by the general public.
 - 2.) Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to Section 106 historic review process.
 - 3.) The City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor.

3. That the property is identified by the City Assessor as being Map 0473 Lot 0046 consisting of approximately 603,742 SF or 13.86 acres.
4. That this railroad corridor has been modified from its original use and form by many of the abutters of said land.
5. That many of these abutters have properly obtained Revocable License Agreements from the City for use of this land subject to the City Policy regarding Private Sector Use of the Former Portsmouth Branch Railroad Line Right of Way.
6. That I have been actively involved in dealing with the Department of Transportation Railroad Division and the Federal Historic Section 106 Review Process regarding portions of this abandoned Portsmouth Branch railroad corridor land.
7. That it has been found that portions of this corridor have been altered which does not now necessitate formal review in conformity with the 106 Review Process. An informal review is usually done and a waiver from the formal review process is granted.
8. That the Department of Transportation has given its consent to sell portions of this corridor land and are mainly concerned that its 30 ft wide transportation easement be preserved.
9. That it has been this writers experience that the private sector licensees are only using a portion of the licensed land which taken as a whole usually is of sufficient size to satisfy the transportation easement concerns of the Department of Transportation.
10. That TRR Commercial is recommending that it be retained by the City to identify all current abutters and licensees using said former railroad land and negotiate with potential purchasers for the sale of each parcel.
11. That each abutter, licensee shall be given the right to purchase said land subject to the Department of Transportations right of way and further subject the conditions as outlined in the deed to the City referred to in paragraph 2 of this proposal.

12. That all interested purchasers shall bear all costs related to said purchase.
13. That the City Assessor shall make recommendation of a current market value of said property per square foot and set a sale price for the land per square foot.
14. That recently the City Assessor set a value for similar former rail road land at \$5.00 per square foot.
15. That the former railroad corridor consists of over 603,742 SF and thus a minimum return on the sale of said land assuming all is sold would generate \$3,018,710.00 in revenue for the city.
16. That all property sold would now be subject to property Tax and generate tax revenue on an annual basis.
17. That TRR Commercial shall be paid a consulting fee to identify and negotiate with potential purchasers for the sale of this land. Said consulting fee to be agreed to by and between the City and TRR Commercial.
18. That any and all land identified will have to be declared surplus land by the Board of Mayor and Alderman in order to effectuate the sale of same.
19. That TRR Commercial in addition to its consulting fee shall be paid a commission equal to 10% of the purchase price for bringing about the sale of each parcel to be paid by the purchaser at closing.

Respectfully submitted
TRR Commercial

Dated: June 3, 2016

Ben Nardi
Broker

April 18, 2016

Alderman Patrick Long, Chairman
Committee on Lands and Buildings
c/o City Clerk's Office
One City Hall Plaza
Manchester, NH 03101

RE: Map: 356 Lot: 1A Silver Street, Manchester, NH

Dear Mr. Chairman,

Please be advised that I represent Robert Provencher DBA My Friends Pub owner of 399 Silver Street, Manchester, NH.

Attached please find Mr. Provencher's formal Petition to Recommend Map: 0356 Lot: 0001A Surplus Land and Recommendation for Sale of Surplus Land to Abutter for filing with the Committee.

I would respectfully request that this matter be placed on the Committee's agenda for hearing and discussion its next regularly scheduled meeting and be advised Mr. Provencher and myself would like to be present at said meeting.

Kindly contact me at your earliest convenience via telephone or email show below to confirm a convenient time and date to meet with the Committee.

Thank you for your attention with regard to this matter.

Very truly yours,

Bernard Nardi

Bernard Nardi
Agent for Robert Provencher
Tel: 603-234-8074
email: bntower@cs.com

cc: Robert Provencher

April 18, 2016

Alderman Patrick Long, Chairman
Honorable Members
Committee on Lands and Buildings
One City Hall Plaza
Manchester, NH 03101

Re: Map:0356 Lot: 0001A Silver Street

**Petition to Recommend Finding Map: 0356 Lot: 0001A Surplus Land
and Recommendation for Sale of Surplus Land to Abutter**

Now comes your Petitioner Robert Provencher DBA My Friends Pub owner of 399 Silver Street, Manchester who respectfully submits the following in support of this petition to recommend to the Board of Mayor and Alderman that the above referenced parcel of property be declared surplus land and further recommend to said Board that the parcel be sold to Petitioner the abutting property owner;

1. That Petitioner purchased the property known as 399 Silver Street from the Disabled American Veterans, Chapter No. 1 on April 15, 2013 as evidenced and recorded in the Hillsborough County Registry of Deeds at Book 8548 Page 2321 and further identified and known as Map 356 Lot 1.

2. That at the time of closing Petitioner discovered that the on site parking field was not owned by the Disabled American Veterans and was in fact owned by the City of Manchester being a portion of the 13.86 acres formerly owned by the Boston and Maine Corporation as shown on Map 473 Lot 46 transferred to the City by the NH Dept of Transportation on December 14th 2001 and recorded in the Hillsborough County Registry of Deeds on January 11, 2002 at Book 6561 Page 1308. (see attached Exhibit A).

3. That the Deed from the NH Department of Transportation contains the following restrictions;

a.) The City of Manchester shall use and manage the abandoned railroad corridor as a recreational trail for use by the general public.

b.) Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to section 106 historic review process.

c.) The City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor

Excepting and Reserving to the State of New Hampshire by or through its

Department of Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the above-described parcels for any mode of public travel, including, but not limited to, vehicular, railroad, bus, or other form of mass transit, pedestrian, bicycle, snowmobile (not including motorcycles) or other form of recreational travel."

4. That Petitioner learned the Disabled American Veterans on April 4, 2006 obtained a Revocable License Agreement from the City of Manchester for a portion of the former Portsmouth Branch rail line which abuts 399 Silver Street to supplement its insufficient on-site parking needs.

5. That the Disabled American Veterans at some point prior to receiving its Revocable License Agreement from the City paved and striped a portion of said land for private parking which consists of approximately 24 parking spaces.

6. That the Petitioner soon after the purchase of the property learned that the Revocable License Agreement was not transferable and then on July 3, 2013 caused to be filed with this Committee an application for Private Sector Use of Former Portsmouth Branch Rail Right-of-Way Line requesting a Revocable Land License for use of the paved and striped portion of the land for customer parking due to insufficient on-site parking . (See attached Exhibit B)

7. That on September 3, 2013 this Committee recommended to the Board of Mayor and Alderman that a revocable land license be granted to the Petitioner. (See attached Exhibit C)

8. That the Committee further noted that the Petitioner be responsible for paying property taxes.

9. That the condition Petitioner be responsible for the payment of property taxes was referred to the Board of Assessors for a determination and review.

10. That the Board of Assessors determined that the original City of Manchester Policy Regarding Sector Use of the Former Portsmouth Branch Line Right-of-Way contained no provision or mention of fees or rent for the use of the Right-of Way and recommended that the Committee should consider revisiting this Policy if rent is to be now charged in light of the fact that there are many other users of the Right-of-Way that do not and have never been charged rent or required to pay the property taxes for use of Right-of-Way property. (See attached Exhibit D)

11. That the Board of Mayor and Alderman on September 3, 2013 voted to accept the Committee's report and granted a revocable land license to the Petitioner.

12. That unbeknownst to Petitioner the City of Manchester subdivided the land deeded to them by the Department of Transportation being Map 473 Lot 46 consisting of a total of 13.86 acres and created a new lot known as Map 356- Lot 1A consisting of approximately 7,283 SF and as shown on Vision Appraisal Assessors Data Base and which identifies a transfer date of June 26, 2013. (See Exhibits E & F)

13. That the property as identified as Map 256-Lot 1A is the portion of the Rail Road Land that has been used for on site parking abutting Petitioners property and is the property for which these land licenses had been granted first to the Disabled American Veterans and then to Petitioner.

14. That the owner of this new parcel is listed as the City of Manchester with a mailing address for the City listed as 333 Calef Road, Manchester, NH 03103 which is Petitioners home address. (See Exhibit G)

15. That Petitioner has been receiving property tax bills from the City of Manchester for Map 356 Lot A1 since 2013 in the name of the City of Manchester and sent to Petitioner at this home address. The tax assessment for this lot for the years 2013 and 2014 was \$80,000.00. The latest tax assessment for this lot for the tax year 2015 has now been reduced to \$19,400.00.

16. That it was Petitioners understanding that the Committee recommendation to charge him for the use of the Right-of-Way either by paying rent or paying the property taxes was found not to be equitable by the Board of Assessors and this recommendation was sent back to the Committee for reconsideration in that no other user of the Right-of-Way or land license holder is obliged to pay rent and or taxes.

17. That the Petitioner on several occasions has attempted to meet with the Board of Assessors to discuss the matter but has been unable to get the Board to respond to his repeated requests to meet.

18. That the subdivision of the Rail Road Land to create the separate lot know as Map 356 Lot A1 must have been approved by the Department of Transportation and sufficient land remains to satisfy the conditions set forth in the original deed for the transfer of any potion of the Rail Road land which requires reserving a 30 foot easement for the Department of Transportation. No Historic review would be warranted in that the property was paved over and striped subsequent to this subdivision by the City.

19. Petitioner is ready willing and able to purchase Map 356 Lot 1A for a sum to be negotiated between the parties but not to exceed the current assessed value of said property which was assessed in 2015 for \$19,400.00.

20. That the abutting property Map 356 Lot A1 is integral part of the successful running of the business at 399 Silver Street.
21. That without the additional on-site parking the business would be in jeopardy of closing.
22. That the sale of said property to Petitioner would provide the City with purchase monies and provide additional needed annual tax revenue.
23. That the sale of this property to Petitioner does not violate any of the terms and conditions as set forth in the Department of Transportation's Deed to the City for this railroad land.
24. That Petitioner agrees to abide by all of the terms and conditions as set forth in this aforementioned Department of Transportation Deed that may be applicable in the sale of this property to Petitioner.

Wherefore your Petitioner Robert Provencher DBA My Friends Pub respectfully requests that this Committee make recommendations to the Board of Mayor and Alderman as follows;

- A. To declare the property Map 356 Lot 1A surplus land,
- B. To recommend the sale of said property to Petitioner,
- C. For such other and further relief as may be prudent, equitable and justified.

Respectfully submitted by;

Dated April 18, 2016

Robert Provencher

(Exhibits follow)

EXHIBIT A

2005337

2002 JAN 11 PM 1:39

KNOW ALL MEN BY THESE PRESENTS

*#557
Manchester
City Solicitor*
1834
2-

THAT, The State of New Hampshire, whose mailing address is the Department of Transportation, 1 Hazen Drive, P.O. Box 483, Concord, NH 03302-0483, pursuant to RSA 4:40 and RSA 228:67, for considerations paid to it in hand before the delivery hereof, well and truly paid by the City of Manchester, a municipal corporation, whose mailing address is 1 City Hall Plaza, Manchester, NH 03101-2097, has remised, released and forever QUITCLAIMED, and by these presents, does remise, release and forever quitclaim unto said City of Manchester, its successors, and assigns forever:

Any and all interest the State of New Hampshire has in a portion of the abandoned Portsmouth Branch railroad corridor, including all stations, buildings, bridges, structures, crossings, culverts and improvements thereon and including all appurtenances thereto and formerly owned by the Boston and Maine Corporation, the Elliot Hospital of the City of Manchester, 67 Willow Street Realty, L.L.C., and the Flying Horse Realty, Inc., located in the City of Manchester, bounded and described as follows:

Parcel 1:

Beginning at a point designated as Engineering Station 1967+70+/- located on the westerly sideline of Page Street as shown on Railroad Valuation Plan V28NH, Map 38; thence running generally in a westerly direction to a point designated as Engineering Station 1997+50+/- as shown on Railroad Valuation Plan V28NH, Map 39.

Parcel 2:

Beginning at a point designated as Engineering Station 2002+90+/- located on the westerly sideline of Mammoth Road as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2008+05+/- at the easterly sideline of Hall Road as shown on Railroad Valuation Plan V28NH, Map 39.

Parcel 3:

Beginning at a point designated as Engineering Station 2021+70+/- located on the westerly sideline of Massabesic Street as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2080+80+/- at the easterly sideline of Union Street as shown on Railroad Valuation Plan V28NH, Map 41.

Parcel 4:

Beginning at a point designated as Engineering Station 2094+12+/- as shown on Railroad Valuation Plan V28NH, Map 41; thence running generally in a northwesterly direction to a point designated as Engineering Station 2104+28+/- at the easterly sideline of Elm Street as shown on Railroad Valuation Plan V28NH, Map 41.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Boston and Maine Corporation by a deed recorded in the Hillsborough County Registry of Deed in Book 6200, Pages 40-48 on January 11, 2000, said parcels containing an area of 12.45 acres, more or less.

BK 6561 PG 1308

Parcel 5:

Beginning at a point designated as Engineering Station 1997+50+/- as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2002+44+/- located on the easterly sideline of Mammoth Road as shown on Railroad Valuation Plan V28NH, Map 39.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Boston and Maine Corporation by a deed recorded in the Hillsborough County Registry of Deed in Book 5719, Pages 215 – 221 on May 21, 1996, said parcel containing an area of 0.66 acres, more or less.

Parcel 6:

Beginning at a point designated as Engineering Station 2008+61+/- located on the westerly sideline of Hall Street as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2021+76+/- at the easterly sideline of Massabesic Street as shown on Railroad Valuation Plan V28NH, Map 39.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Elliot Hospital of the City of Manchester by an easement recorded in the Hillsborough County Registry of Deed in Book 5645, Pages 1085 – 1087 on August 1, 1995, said parcel containing an area of 0.60 acres, more or less.

Parcel 7:

Beginning at a point designated as Engineering Station 2081+13+/- located on the westerly sideline of Union Street as shown on Railroad Valuation Plan V28NH, Map 41; thence running generally in a westerly direction to a point designated as Engineering Station 2083+33+/- at the easterly sideline of Willow Street as shown on Railroad Valuation Plan V28NH, Map 41.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the 67 Willow Street Realty, L.L.C. by an easement recorded in the Hillsborough County Registry of Deed in Book 6513, Pages 131 – 132 on October 30, 2001, said parcel containing an area of 0.15 acres, more or less.

Parcel 8:

Beginning at the southerly most point of said premises, at an iron pin with cap to be set; thence along a curve westerly along said parcel with a radius of 962.57 feet, a distance of 470.56 feet to a point; thence N8°25'43"W a distance of 108.31 feet to a point; thence along a curve southeasterly with a radius of 932.57 feet to a point on Willow Street in Manchester, New Hampshire; thence S13°52'44" east a distance of 45.99 feet to the point of beginning, as shown on plan entitled "Easement Plan of Land prepared for Flying Horse Realty Inc., in Manchester, NH, scale 1" = 40", Date: January 11, 2000", prepared by Duval Survey, Inc., 14 Dartmouth Street, Hooksett, NH 03103, and recorded in the Hillsborough County Registry of Deeds as Plan No. 30334.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Flying Horse Realty, Inc., by an easement recorded in the Hillsborough County Registry of Deed in Book 6208, Pages 26 – 27 on February 9, 2000, said parcel containing an area of 0.34 acres, more or less.

BK 6561 PG 1309

As a further condition of this instrument, the City of Manchester agrees to the following:

1.) The City of Manchester shall use and manage the abandoned railroad corridor as a recreational trail for use by the general public.

2.) Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to the Section 106 historic review process.

3.) The City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor.

Excepting and Reserving, to the State of New Hampshire by or through its Department of Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the above-described parcels for any mode of public travel, including, but not limited to, vehicular, railroad, bus, or other form of mass transit, pedestrian, bicycle, snowmobile (not including motorcycles) or other form of recreational travel.

TO HAVE AND TO HOLD said premises, with all the privileges and appurtenances thereunto belonging to the City of Manchester, its successors and assigns forever.

IN WITNESS WHEREOF, The State of New Hampshire has caused its name to be set and its seal to be hereunto affixed by the Commissioner of the New Hampshire Department of Transportation, duly authorized and executed this 14th day of December, 20 01.

Signed, Sealed and Delivered
in the presence of

Diane Hartford

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
Carol A. Murray
Commissioner

THE STATE OF NEW HAMPSHIRE COUNTY OF MERRIMACK

On this 14th day of December, 20 01, before me, Diane Hartford the undersigned officer, personally appeared the Commissioner of the Department of Transportation, and that as such Commissioner, being authorized so to do, executed the forgoing instrument for the purposes therein contained, by signing the name of the State of New Hampshire as the Commissioner of the Department of Transportation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

DIANE L. HARTFORD

Diane L. Hartford
NOTARY PUBLIC

Approved by New Hampshire Council on Resources and Development on July 14, 2000.
Approved by Long Range Capital Planning and Utilization Committee on August 22, 2001.
Approved by Governor and Executive Council on October 10, 2001, Item # 146.

BK6561PG1310

Rail Road Land Tax Map
MAP 473 LOT 46 13.86 ACRES

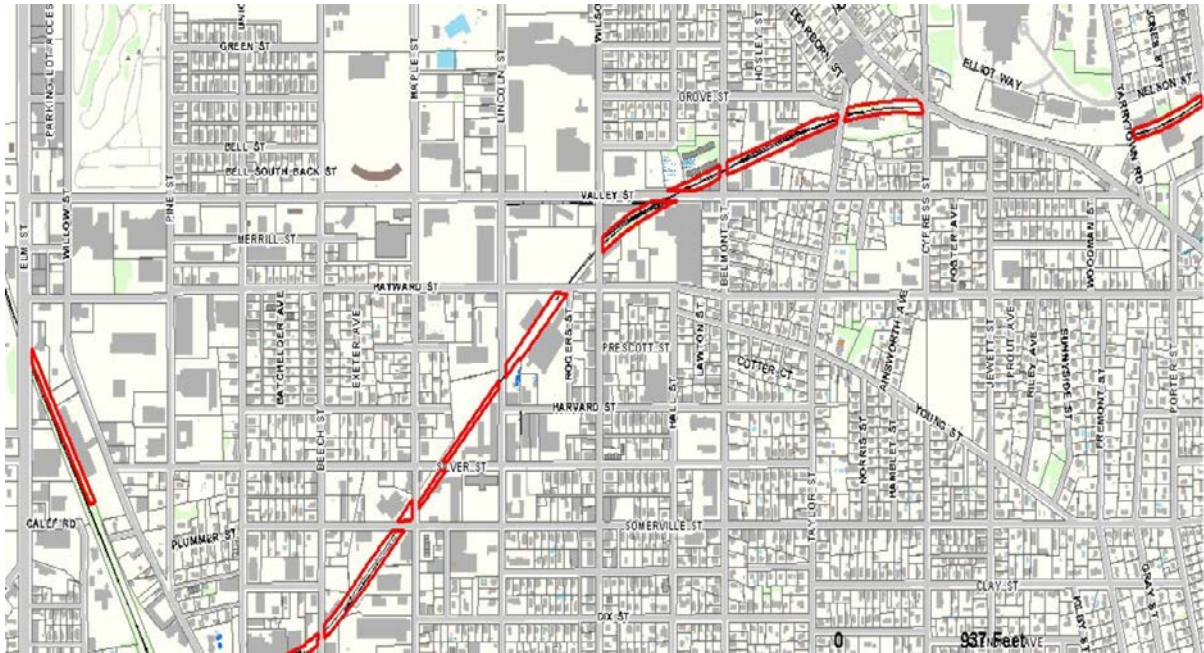


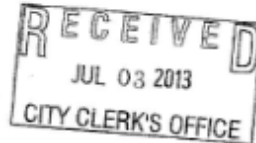
EXHIBIT B



Private Sector Use of Former Portsmouth Branch Rail Right-of-Way Line

Application Form

TO BE COMPLETED BY APPLICANT



1. Application submission date: _____
2. Name(s) of abutting applicant property owner(s):
1. ROBERT H. PROVENCHER
2. _____
3. Street address of abutting applicant property: 399 SILVER ST.
4. Mailing address of abutting applicant property owner: 399 SILVER ST.
5. Telephone number & e-mail address where applicant abutting property owner can be reached: 603-493-6663 (cell) MYFRIENDSBAR@MSN.COM
6. Applicant (if other than abutting property owner): _____
7. Mailing address of applicant (if other than abutting property owner): _____
8. Telephone number & e-mail address where applicant (if other than abutting property owner) can be reached: _____
9. Tax map & lot number of abutting applicant property: 356/1
10. List of specific uses planned for corridor: PARKING LOT - OFF SITE (EXISTING)
11. Required application materials.
 - (a) Application Form
 - (b) Boundary plan of the entire affected area prepared and signed by a licensed land surveyor. Plan shall show, at minimum, the boundaries of the affected portion of the former rail corridor, the location of the applicant's abutting property, and existing and proposed site conditions.
 - (c) Statement of policy acceptance (see item #12).
12. Statement of Policy Acceptance. *I hereby certify that the above information is correct; that I have submitted herewith all of the pertinent required documentation; that I have read and am familiar with the "City of Manchester Policy Regarding Private Sector Use of the Former Portsmouth Branch Railroad Line Right-of-Way"; and that, if granted a revocable license to use City-owned rail corridor land, will fulfill the provisions of that Policy.*
 Owner's Signature: 1. [Signature]
 Date of owner signature: 7-3-2013
 Agent's Signature: _____
 Date of agent signature: _____

EXHIBIT C

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration, that a revocable land license be granted at 399 Silver Street.

The Committee further notes that the property owner will be responsible for paying property taxes.

(Unanimous vote with the exception of Alderman Levasseur who was absent)

Respectfully submitted,



Clerk of Committee



At a meeting of the Board of Mayor and Aldermen held September 3, 2013, on a motion of Alderman O'Neil, duly seconded by Alderman Roy, the report of the Committee was accepted and its recommendations adopted.


City Clerk

EXHIBIT D



CITY OF MANCHESTER Board of Assessors

One City Hall Plaza, West Wing
Manchester, New Hampshire 03101
Tel: (603) 624-6520 – Fax: (603) 628-6288
Email: assessors@ci.manchester.nh.us
Web: www.ManchesterNH.Gov



Robert J. Gagne, Chairman
Michael W. Hurley

Lisa Turner
Assistant to Assessors

To: Chairman Ed Osborne, Committee on Lands & Buildings
From: Board of Assessors
Date: August 21, 2013
Re: Revocable Land License Transfer 339 Silver St


The Assessors have been asked to determine what a property lease amount would be for use of the railroad right-of-way by the owner of 339 Silver Street. The area in question contains 24 open parking spaces. The Parking Division issues monthly parking permits at the rate of \$50 per month per open parking space. The rate for the subject 24 spaces would be \$1,200 per month.

The original "City of Manchester Policy Regarding Sector Use of the Former Portsmouth Branch Railroad Line Right-of-Way" contains no provision or mention of fees or rent for use of the Right-of-Way. The Committee should consider revisiting the Policy if rent is to be charged as there are other users of the Right-of-Way.


Respectfully,

Robert J. Gagne, CNHA, NHCG
Chairman

EXHIBIT E



MANCHESTER, NH



[Search](#)
[Street Listing](#)
[Sales Search](#)
[Back](#)
[Home](#)

Property Lookup

Search:

Enter an Address

Address ☐ [Search](#)

Results										
Address	Owner	Map	Map Cut	Block	Block Cut	Lot	Lot Cut	Unit	Unit Cut	PID
SILVER ST	CITY OF MANCHESTER	0356				0001	A			405255178
125 SILVER ST	DOHERTY IRREVOCABLE TRUST	0733				0007				22836
130 SILVER ST	BURGESS ASSOCIATES LLC	0733				0009				22838
141 SILVER ST	HOLTSBERG, BEVERLY A	0733				0006				22835
160 SILVER ST	SNHS MANAGEMENT CORP	0268				0012				7549
167 SILVER ST	KAM DEVELOPMENT LLC	0359				0007				10006
197 SILVER ST	NEGRON, MARIA FAMILY TR	0359				0009				10008
213 SILVER ST	DIVINE DESIGN LLC	0359				0010				10009
224 SILVER ST	LASTE, THOMAS A	0267				0002				7503
225 SILVER ST	FANDUNYAN, EDUARD	0267				0033				7537
237 SILVER ST	LAFERTE, ROLAND N	0267				0031	B			7536
238 SILVER ST	PINARD, DAVID A JR	0267				0003				7504
244 SILVER ST	KOOSER, JOHN J	0357				0004	A			7525

EXHIBIT E

Location SILVER ST

Mblu 0356/ / 0001/A /

Owner CITY OF MANCHESTER

Assessment \$19,400

Building Count 1

Current Value

Assessment	
Valuation Year	Total
2015	\$19,400

Owner of Record

Owner CITY OF MANCHESTER

Sale Price \$0

Co-Owner C/O ROBERT H PROVENCHER

Certificate

Book & Page 0/ 0

Sale Date 06/25/2013

Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
CITY OF MANCHESTER			0/ 0	06/25/2013

Building Information

Building 1 : Section 1

EXHIBIT F Rail Road Land

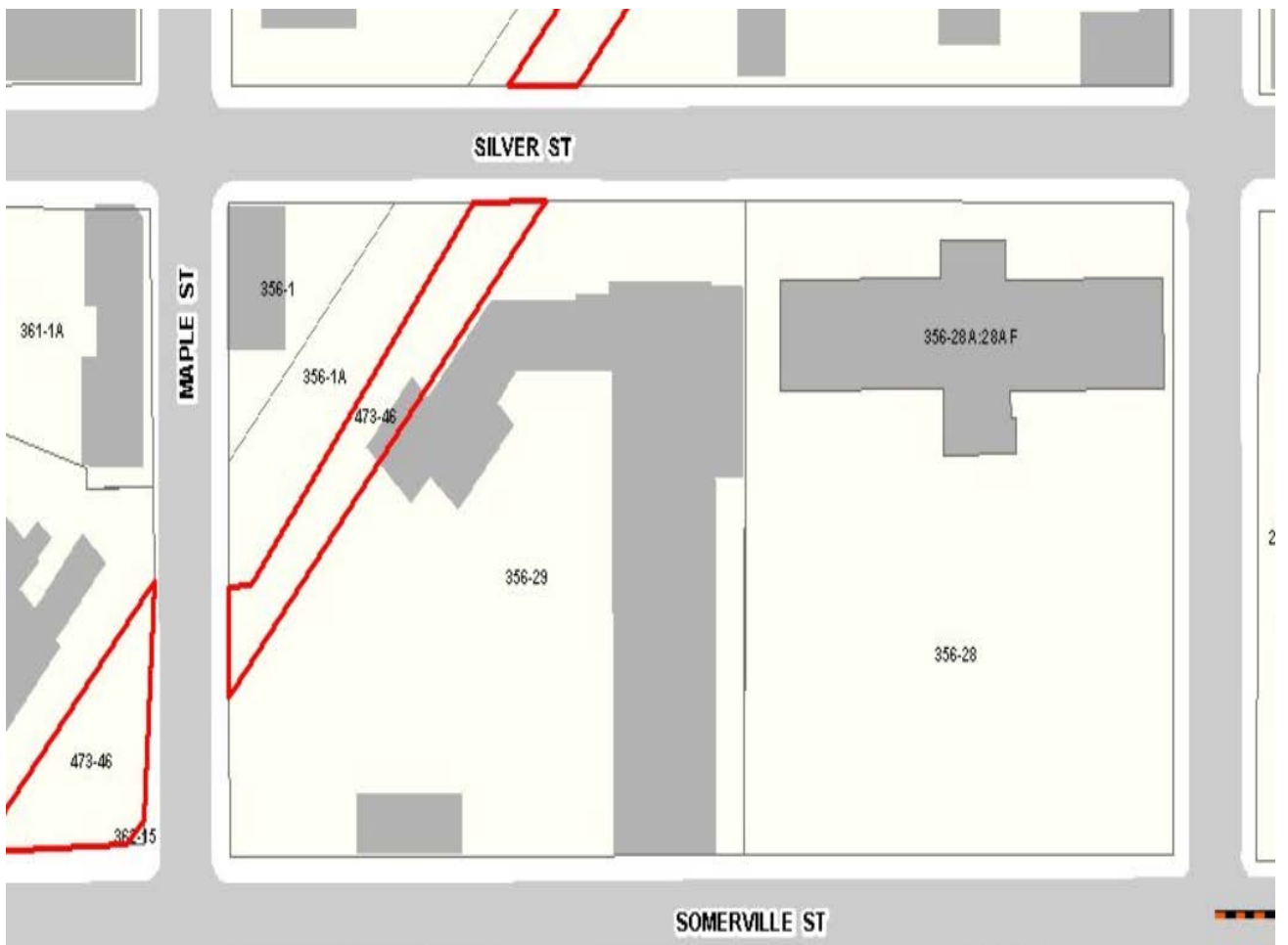


EXHIBIT F AERIAL Rail Road Land



EXHIBIT G



11-14611

City of Manchester, NH - Office of the Tax Collector
Payment Address: P.O. BOX 9598, Manchester, NH 03108-9598
 Office location: 1 City Hall Plaza West Wing, Manchester, NH 03101-2084
 Office hours: Monday-Friday, 8 AM to 5 PM, Tuesday 8 AM to 8 PM
 For property values, exemptions, names, and addresses, call (603) 624-6520
 For account balance and payment information, call (603) 624-6575 or
 visit www.ManchesterNH.gov/Taxes for online account access and payments

ACCOUNT NUMBER
219934

*Please write this number on all payments and correspondence.

FINAL REAL ESTATE TAX BILL FOR 2015

CITY OF MANCHESTER
 333 CALEF RD
 MANCHESTER NH 03103

INFORMATION TO TAXPAYERS	PROPERTY DESCRIPTION	TAXES										
<p>The Taxpayer may, by March 1 following the final notice of tax and not afterward, apply in writing to the Board of Assessors for a tax abatement or deferral.</p> <p>If you are elderly, disabled, blind, a veteran or veteran's spouse, or are unable to pay taxes due to poverty or other good cause, you may be eligible for a tax exemption, credit, abatement, or deferral. For details and application information, contact the Board of Assessors at 603-624-6520.</p> <p>Taxpayers desiring any information in regard to taxation, assessments, exemptions, or change of address should contact the Board of Assessors at 603-624-6520, not the Tax Collector.</p> <p>Real estate tax payments will be applied first to the oldest delinquent real estate taxes (if any) for the indicated property. Partial payments are accepted but will not delay or prevent liening or deeding actions authorized by State law.</p> <p>All taxes are assessed as of April 1st of each year. Unless directed otherwise, tax bills are mailed to the last known address of the first owner listed on the deed.</p>	<p>Map-Lot: 0356-0001A SILVER ST</p> <p>TOTAL VALUATION: 19,400</p> <p>TAX RATES FOR THIS BILLING:</p> <table> <tr><td>MUNICIPAL:</td><td>11.53</td></tr> <tr><td>COUNTY:</td><td>1.29</td></tr> <tr><td>CITY EDUCATION:</td><td>8.20</td></tr> <tr><td>STATE EDUCATION:</td><td>2.42</td></tr> <tr><td>TOTAL:</td><td>23.44</td></tr> </table> <p>ALL TAX RATES ARE PER \$1000 OF ASSESSED VALUE</p>	MUNICIPAL:	11.53	COUNTY:	1.29	CITY EDUCATION:	8.20	STATE EDUCATION:	2.42	TOTAL:	23.44	<p>Tax: 454.74 Tax paid: .00</p> <p>TAX DUE: \$ 454.74</p> <p>PAY BY THURSDAY, JULY 09, 2015 to avoid interest charges at 12.0 % per annum.</p> <p>Total amount due (including tax due from this bill) as of 12/28/2015: \$4,938.54</p> <p><small>This notice was generated on 11/18/2015 and does not reflect account activity after that date.</small></p>
MUNICIPAL:	11.53											
COUNTY:	1.29											
CITY EDUCATION:	8.20											
STATE EDUCATION:	2.42											
TOTAL:	23.44											

If any owner listed is a debtor under Title 11 of the United States Code, this notice should not be viewed as a demand for payment of, or as an attempt to collect, a pre-petition debt.

Make checks payable to: **TAX COLLECTOR, CITY OF MANCHESTER, NH**

IF PAYING BY MAIL:

Write your ACCOUNT NUMBER on your check. Mail it with this stub to:
TAX COLLECTOR, P.O. BOX 9598, MANCHESTER, NH 03108-9598
 To obtain a receipt, enclose a self-addressed envelope AND this entire page.
 After 7/9/2015, please contact the Tax Office for the correct payoff amount.

IF PAYING IN PERSON:

Please bring this entire notice with you. Credit and debit cards are not accepted at the Tax Office.

IF PAYING ONLINE:

Payments by credit card and electronic check are accepted via the City's web site at www.ManchesterNH.gov/Taxes. Payments submitted online including from bill payer services will be credited as of the date received at the Tax Office, not the date originally submitted online. It is your responsibility to ensure your payment is received on time.

FINAL REAL ESTATE TAX BILL FOR 2015

Account Number: **219934**

CITY OF MANCHESTER
 333 CALEF RD
 MANCHESTER NH 03103

Map-Lot: 0356-0001A
 Location: SILVER ST

TAX DUE: \$ 454.74

0002199347 0000454744

Exhibit G

City Map of New Parcel 359-1A



City Map of Former Rail Road Land



Provencher Proposal Addendum to Purchase City Surplus Land

- ❖ This Proposal is submitted by Robert Provencher owner of 399 Sliver Street doing business as My Friends Pub.
- ❖ Mr. Provencher proposes that this Committee recommend to the Board of Mayor and Alderman that a defined portion of Assessors Lot 356-1A be classified as surplus land and further recommend the sale of said defined lot to Mr. Provencher.

Proposal to Purchase City Surplus Land

- ❖ Mr. Provencher shall bear all costs associated with the sale of said Lot including all necessary engineering.
- ❖ The Lot is City owned land and a portion of the former abandoned railroad line that was transferred to the City from the NH Department of Transportation being Assessors Lot 473-46.

Proposal to Purchase City Surplus Land

- ❖ The new Lot to be created shall leave a 30' wide transportation easement on the former railroad line in conformity with the NH Department of Transportations deed restrictions.
- ❖ Mr. Provencher shall obtain approval from the NH Department of Transportation for the sale of this new Lot.

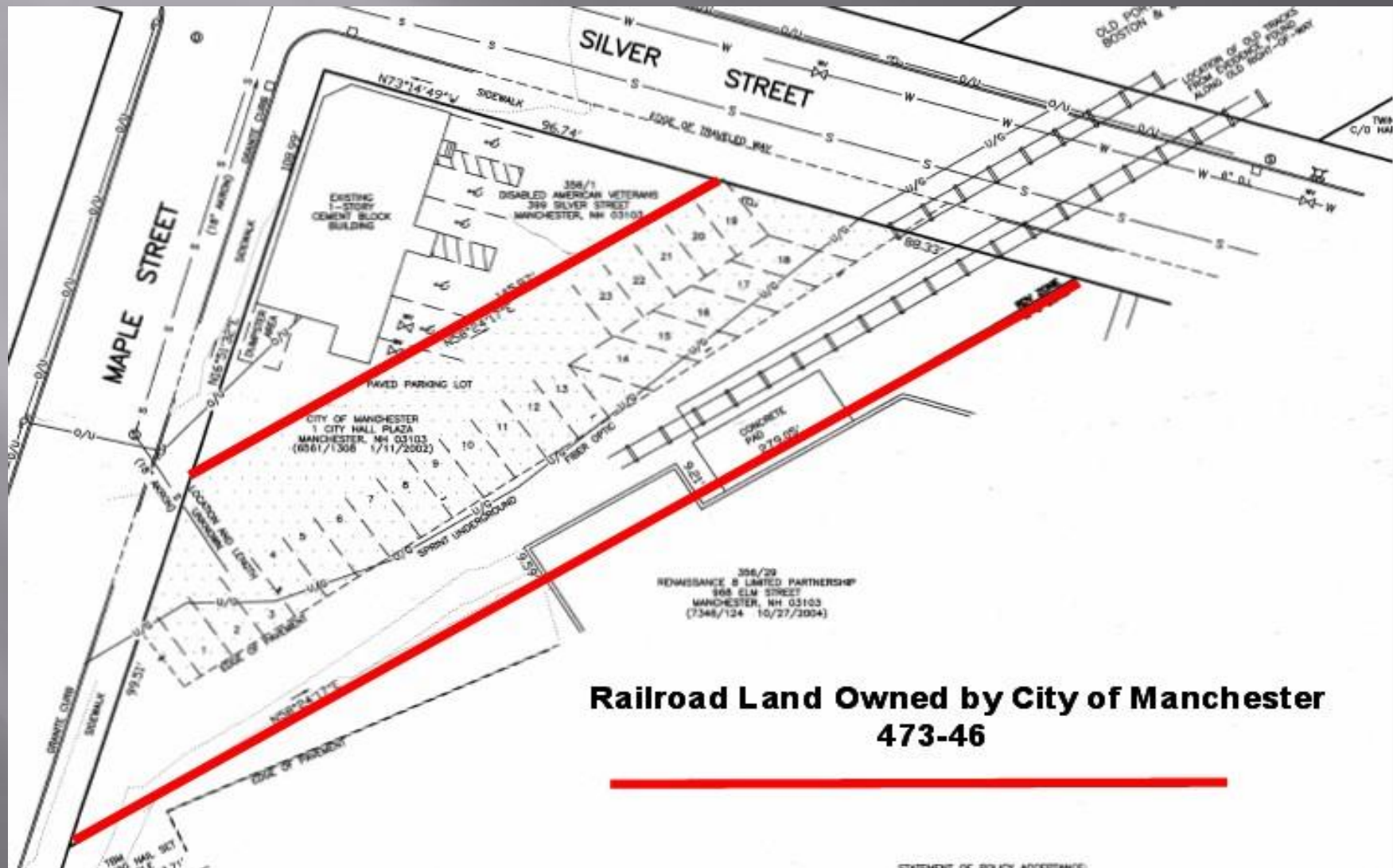
Proposal to Purchase City Surplus Land

- ❖ Mr. Provencher shall inform the State of New Hampshire Division of Historic Resources of the possible sale of said Lot and obtain such approvals and/or waivers that may be required relative to section 106 historic review process.
- ❖ It has been found and determined in a similar instance that a sale of this type surplus land is not considered “an alteration of the former railroad corridor and does not warrant Historic Review.”

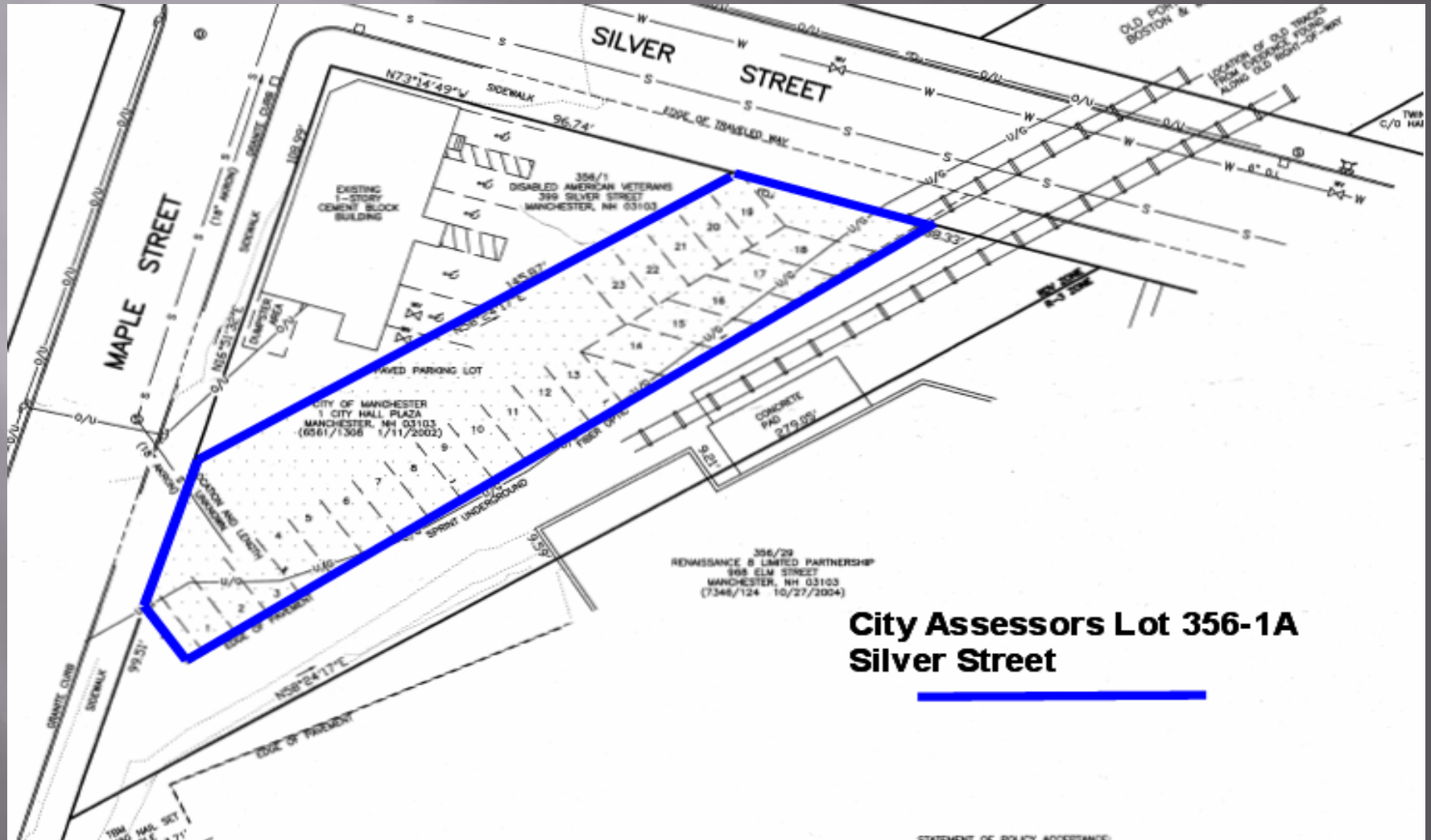
Proposal to Purchase City Surplus Land

- ❖ The following are visuals of maps, site plans and aerials to assist the Committee in their review of this Proposal.

Former Portsmouth Branch Railroad Line Right-of-Way Abutting Mr. Provencher.

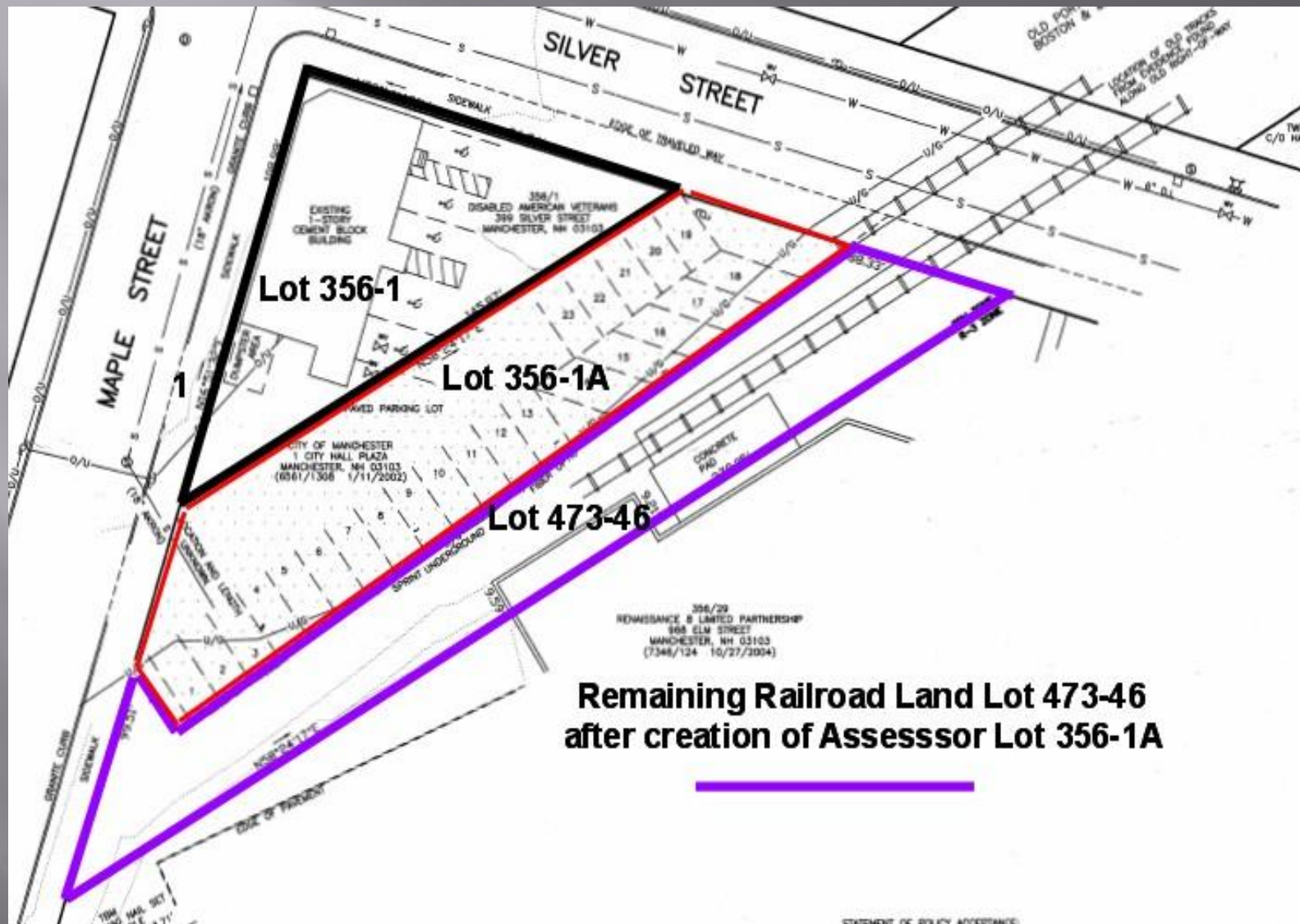


City Assessors Lot 356-1A divided from Railroad Land Lot 473-46



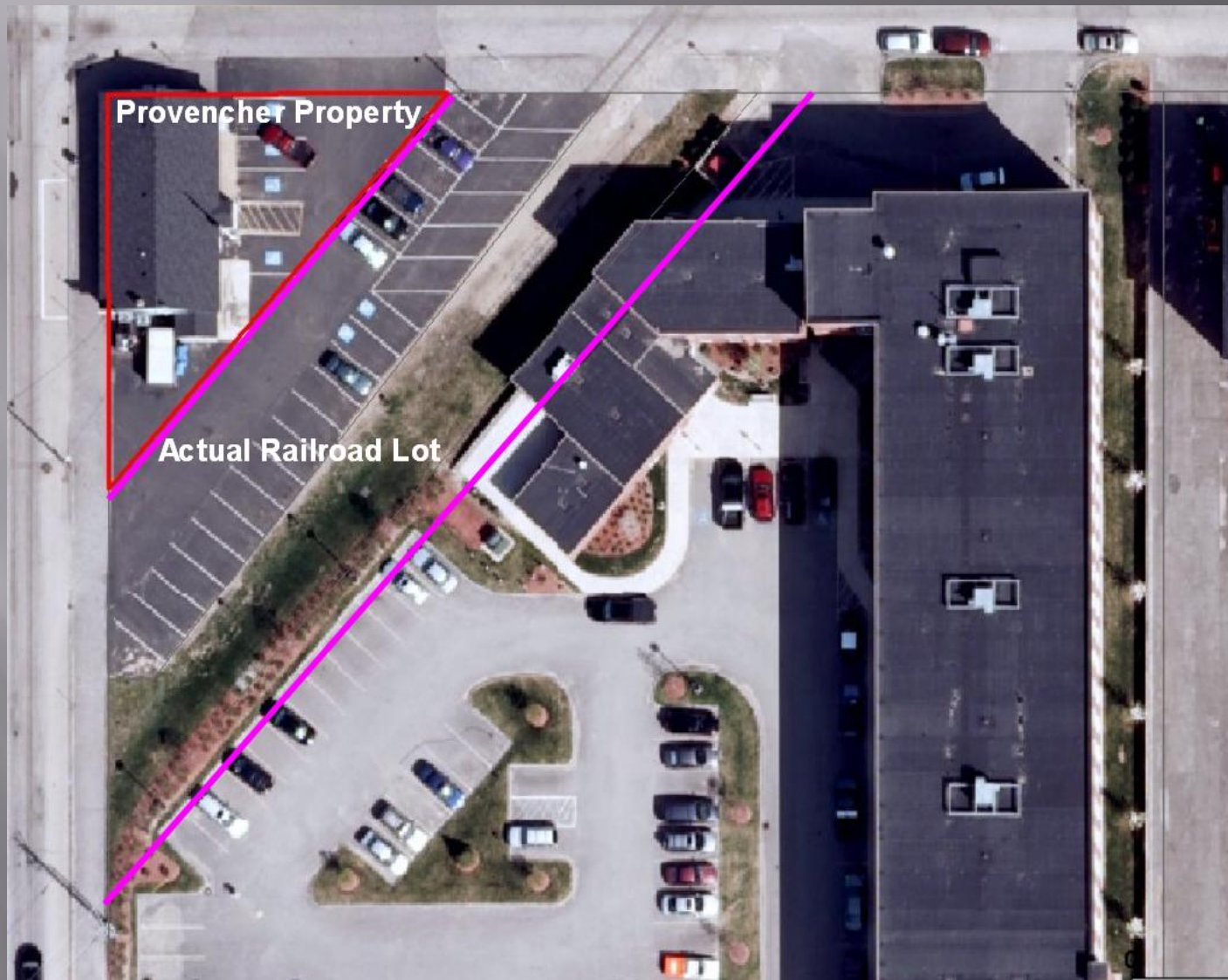
**City Assessors Lot 356-1A
Silver Street**

Remaining Railroad Land after Formation of Assessors Lot 356-1A



Aerial of Site

Provencher Lot Defined (red line)



City Assessors Aerial Railroad Land 473-46

473-46Find It

LegendLayersData

Selected Parcels

[Print-friendly table view](#)
[Parcel selection help](#)

1 parcel selected.

Map-Lot : 473-46
CITY OF MANCHESTER
PAGE ST
[PROPERTY DETAILS](#)

1 parcel selected.

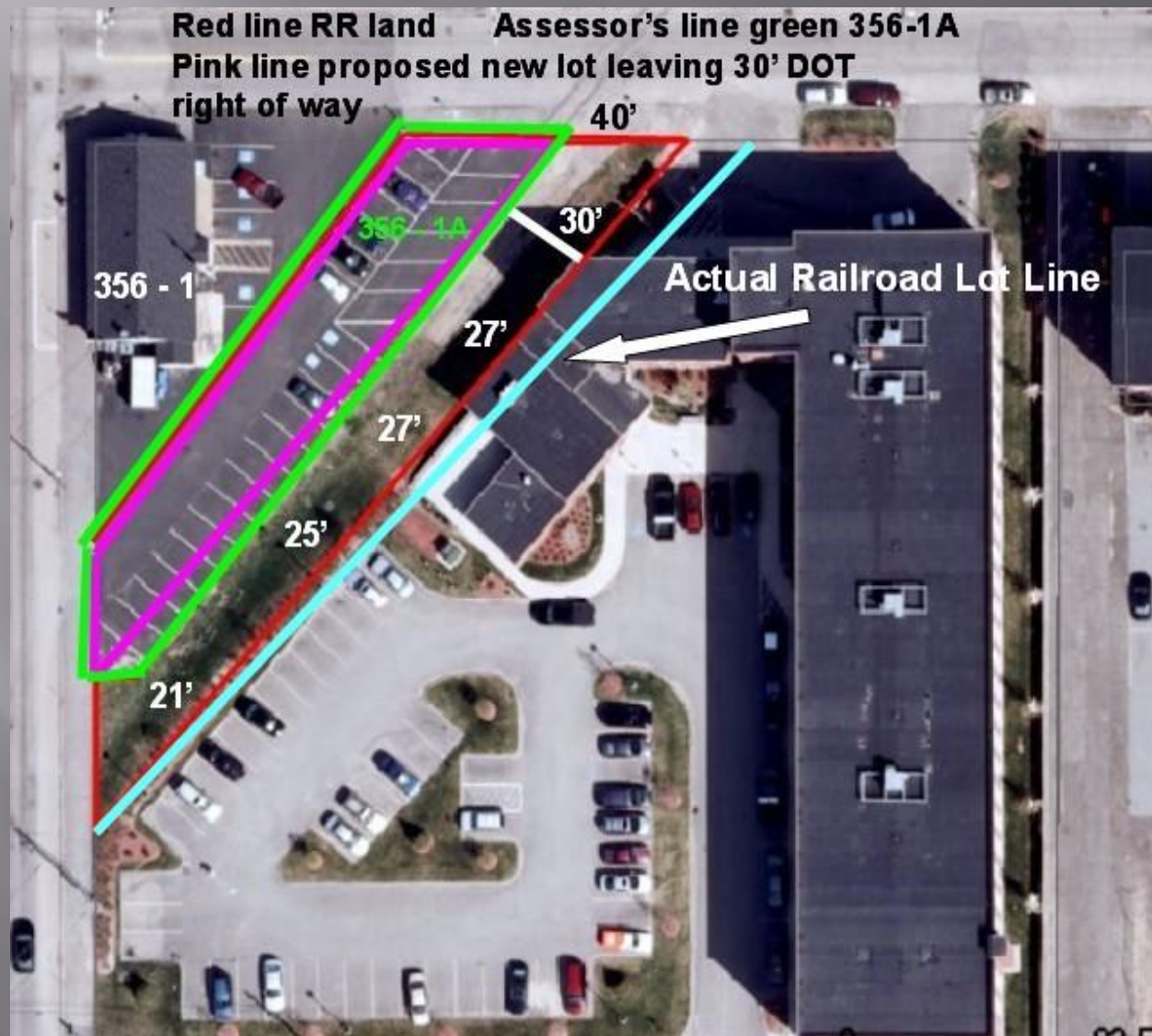


Actual Railroad Lot Line

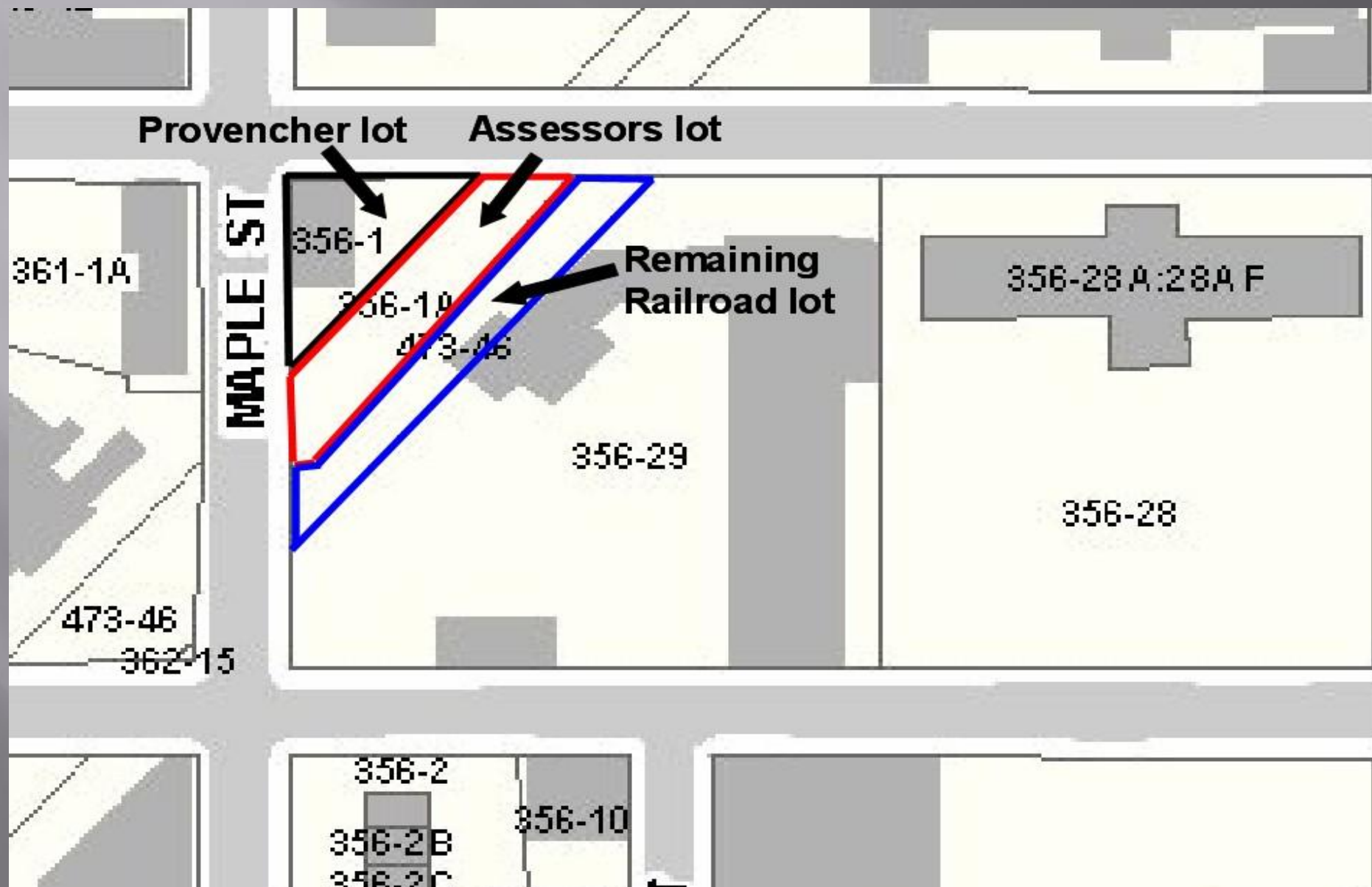
Current Aerial of Site



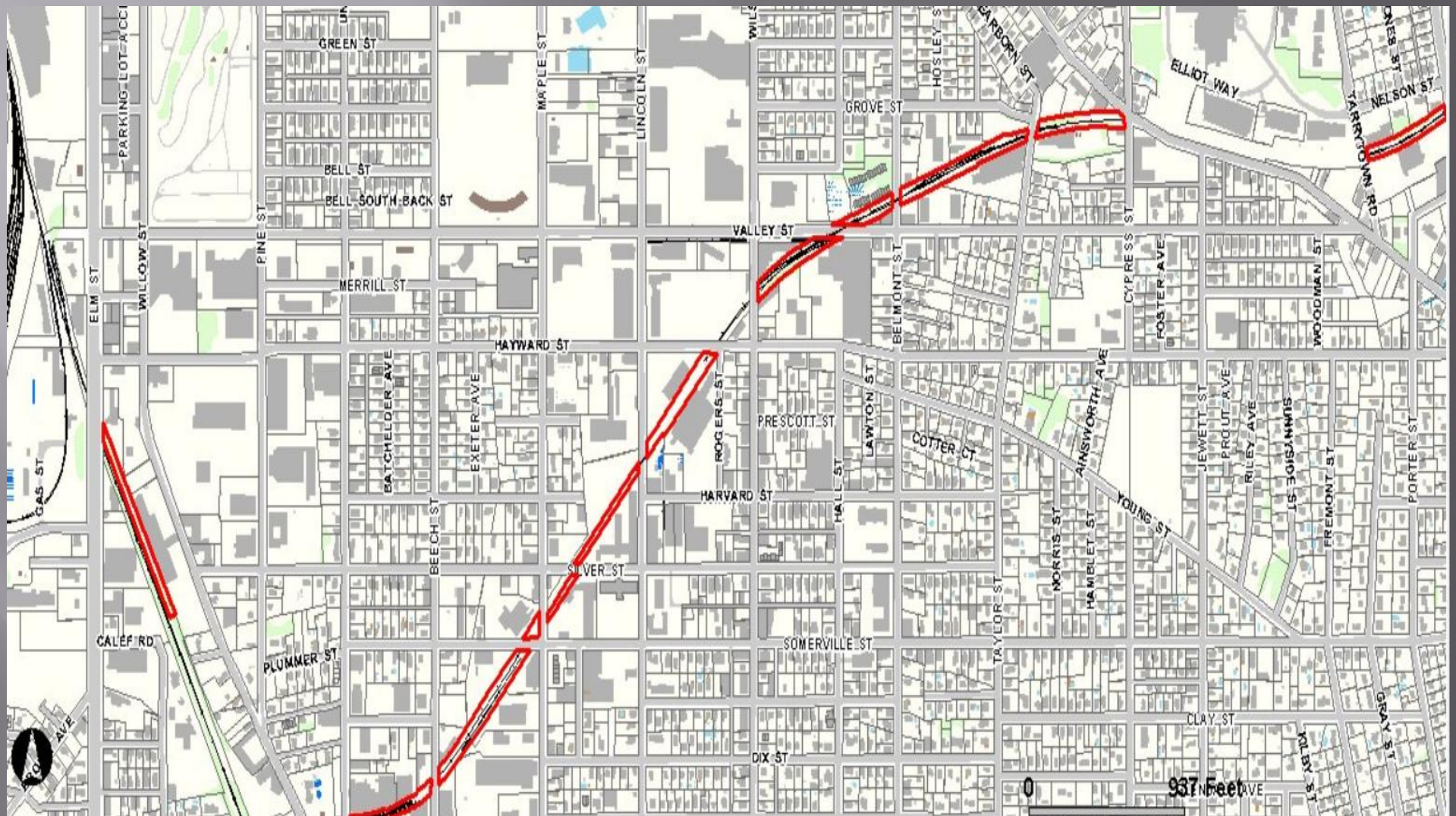
New Lot Proposed Leaving 30' NH DOT Easement (pink line)



City Assessors Map Showing 2 Lots Abutting Mr. Provencher's Land



Former Portsmouth Branch Railroad Line right-of-way



City Assessors Map 356-1A

Legend Layers Data

Selected Parcels

[Print-friendly table view](#)
[Parcel selection help](#)

1 parcel selected.

Map-Lot : 356-1A
CITY OF MANCHESTER
SILVER ST

[PROPERTY DETAILS](#)

1 parcel selected.



25 Feet



CITY OF MANCHESTER Board of Assessors

One City Hall Plaza, West Wing
Manchester, New Hampshire 03101
Tel: (603) 624-6520 – Fax: (603) 628-6288
Email: assessors@ci.manchester.nh.us
Web: www.ManchesterNH.Gov



Robert J. Gagne, Chairman
Michael W. Hurley

Lisa Turner
Assistant to Assessors

To: Chairman Patrick Long, Committee on Lands & Buildings
From: Board of Assessors
Date: June 10, 2016
Re: Request to Purchase City Land off Silver St / Portion of Rail Corridor

The Assessors have completed an analysis of the estimated market value of the above-referenced property. The following is a summary of important facts and the value estimate:

Property Location	off Silver St; abuts rear of 399 Silver St (My Friends Pub)
Assessors Map/Lot	356/1A / Separately mapped for Property Tax purposes only / Legally part of City parcel Map 473, Lot 46 / Former Portsmouth Branch rail corridor
Property Owner	City of Manchester
Deed Book/Page	Bk 6561, Pg 1308
Date Acquired	January 11, 2002 / Not a tax deeded parcel
Improved/Vacant	This area = Paved Parking Lot / Remainder of corridor = Occasional Paving Encroachments and some Revocable License users
Total Land Area	7,283 square feet proposed
Current Zoning	RDV Redevelopment / 100' & 10,000 SF minimum
Overlay District	N/A
Easements / Restrictions	Deeded by State with restrictions to use. No uses allowed that would impair use of corridor for bike, pedestrian trail or other transportation use in the future.
Estimated Value	To be disclosed in non-public session (RSA 91-A:3 II(d))
Comments	Area has been used as a parking lot for the building located at 399 Silver Street by revocable license agreement with the City. The agreement was originally with the Disabled American Veterans and is currently with Robert H. Provencher. The 399 Silver Street property does not have adequate on-site parking for its present use and relies on the corridor area for required parking. The area proposed for purchase is considered "unbuildable" as a standalone parcel. Note that private use of public property requires payment of property taxes (RSA 72:23 I (b)). Back taxes are owed on the subject parcel, see attached.

Respectfully,

Robert J. Gagne, CNHA, NHCG
Chairman

City of Manchester, NH Tax Collector's Office

Open Bills

[Click here for terminology definitions.](#)

Tax Account ID: **219934**

Owner Name: **CITY OF MANCHESTER**

Property Address: **SILVER ST**

Map-Lot: **0356-0001A**

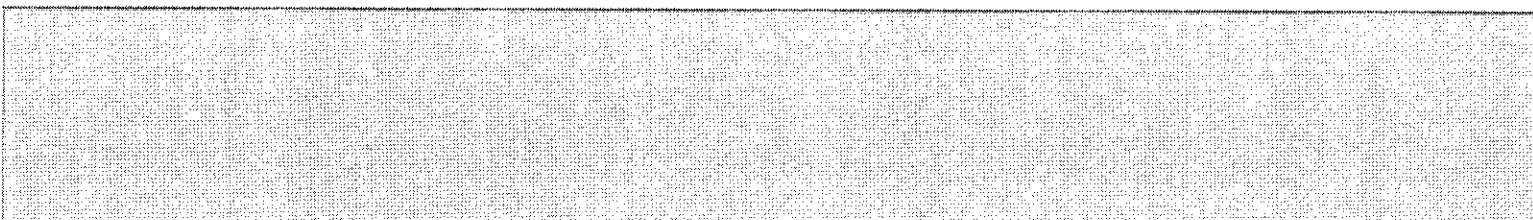
Total Taxes: **\$5,393.11**

Pending Payment(s) Amount: **\$0.00**

** Taxes Billed*
c/o Robert H Provencher
333 Cabot Rd
Manchester 03103

Tax Year	Delinquent Date	Unpaid Tax Amount	Interest Amount	Total Due
2013	12/20/2013	\$1,831.74	\$544.19	\$2,375.93
2014	07/09/2014	\$916.27	\$211.62	\$1,127.89
2014	12/19/2014	\$982.53	\$174.23	\$1,156.76
2015	07/09/2015	\$454.74	\$50.42	\$505.16
2016	07/07/2016	\$227.37	\$0.00	\$227.37

[Use of this site is subject to this disclaimer.](#)



CURRENT OWNER				TOPO.		UTILITIES		STRT./ROAD		LOCATION		CURRENT ASSESSMENT													
CITY OF MANCHESTER C/O ROBERT H PROVENCHER 333 CALEF RD MANCHESTER, NH 03103 Additional Owners:												Description		Code	Appraised Value		Assessed Value								
												COM LAND	3370	14,100		14,100									
												COMMERC.	3370	5,300		5,300									
				SUPPLEMENTAL DATA																					
				Other ID:		03560001A		RAD OR CAD380																	
Land Adjust		NO		Callback Ltr																					
Voided		NO		Sketch Note																					
Total SF		7283		Land Class																					
Zone				Parcel Zip		03103																			
Frontage/Dep																									
GIS ID:		356-1A		ASSOC PID#								Total		19,400		19,400									
RECORD OF OWNERSHIP				BK-VOL/PAGE		SALE DATE		q/u	v/i	SALE PRICE		V.C.	PREVIOUS ASSESSMENTS (HISTORY)												
CITY OF MANCHESTER				0/ 0		06/25/2013		U	I				Yr.	Code	Assessed Value		Yr.	Code	Assessed Value		Yr.	Code	Assessed Value		
													2016	3370	14,100		2015	3370	14,100		2014	3370	75,500		
													2016	3370	5,300		2015	3370	5,300		2014	3370	5,300		
													Total:		19,400		Total:		19,400		Total:		80,800		
EXEMPTIONS				OTHER ASSESSMENTS								This signature acknowledges a visit by a Data Collector or Assessor													
Year	Type	Description		Amount		Code	Description		Number	Amount										Comm. Int.					
				Total:																					
ASSESSING NEIGHBORHOOD																									
NBHD/ SUB		NBHD NAME		STREET INDEX NAME		TRACING		BATCH																	
605/A																									
NOTES																									
CITY OWNED LAND/ABANDONED RAILROAD												PRIVATE USE OF PUBLIC LAND IS TAXABLE													
CORRIDOR/RECREATIONAL TRAIL																									
USED FOR PARKING AT 399 SILVER STREET																									
FOR "MY FRIENDS PUB" LOT/MAP 356-1																									
PARCEL CREATED 06.26.2013																									
BUILDING PERMIT RECORD												VISIT/ CHANGE HISTORY													
Permit ID		Issue Date		Type	Description		Amount		Insp. Date	% Comp.	Date Comp.		Comments		Date		Type	IS	ID	Cd.	Purpose/Result				
															11/17/2015				RG	14	Other Chapter Land Change				
															08/27/2013				RG	12					
LAND LINE VALUATION SECTION																									
B #	Use Code	Use Description		Zone	Frontage	Depth	Units	Unit Price	I. Factor	S A	C. Factor	ST. Idx	S.I. Adj.	Notes- Adj		Rec Y/N	CU Cond	Special Pricing		Adj. Unit Price	Land Value				
1	3370	PARK LOT					7,283	SF	10.36	1.0000	E	0.15	605	1.25	CF=NON-BUILDABLE		N	0.000	1.94		14,100				
	5.43																								
Total Card Land Units:							0.17	AC	Parcel Total Land Area:							0.17	AC	Total Land Value:							14,100

No Photo On Record



CITY OF MANCHESTER

PLANNING AND COMMUNITY DEVELOPMENT

Planning & Land Use Management
Building Regulations
Code Enforcement Division
Community Improvement Program
Zoning Board of Adjustment

Leon L. LaFreniere, AICP
Director

Pamela H. Goucher, AICP
Deputy Director Planning & Zoning

Michael J. Landry, PE, Esq.
Deputy Director Building Regulations

April 27, 2016

Alderman Patrick Long, Chairman
Committee on Lands and Buildings
Board of Mayor and Aldermen
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Request to acquire City-owned parcel located at Tax Map 356, Lot 1A, located behind 399 Silver Street

Dear Chairman Long and Honorable Committee Members:

The purpose of this letter is to provide the Committee with the Planning and Community Development Department's recommendation regarding the request to purchase the above-referenced land. This recommendation is provided pursuant to Sections 34.15-25 of the Manchester, NH Code of Ordinances.

Background

The area of land at issue is denoted as Map 356, Lot 1A on the City's tax map and GIS (hereinafter "City Land")¹. It is an approximately 40-foot-wide strip of paved land located within a former railroad right-of-way owned by the City. It sits behind Tax Map 356, Lot 1, which has an address of 399 Silver Street and is owned by Mr. Robert Provencher (hereinafter "Provencher Parcel"). The request to purchase the City Land comes from Mr. Provencher, acting through his agent, Mr. Bernard Nardi. Mr. Provencher has owned his parcel since purchasing it in 2013 from the Disabled American Veterans, Chapter No. 1 (hereinafter "DAV"). *See attached aerial photograph and survey of 399 Silver Street.*

As shown on the aerial photograph and survey, the Provencher Parcel can accommodate only a few parking spaces on it. The City Land has room for significantly more parking spaces. Accordingly, shortly after purchasing his parcel from the DAV, Mr. Provencher petitioned this Committee for a revocable license to allow him to use the City Land for additional parking for his business. This committee favorably recommended the license to the Board of Mayor and Alderman, and the BMA granted the license in 2013. Prior to Mr. Provencher's purchase, the DAV had a similar license with

¹ Mr. Provencher's correspondence states that a subdivision occurred, resulting in Map 356 Lot 1A. Although the land has its own tax map and lot number on the city's GIS, it has not been subdivided from the land originally conveyed to the City by the State. It appears that Mr. Provencher has assumed that, because the lot has been separated for tax purposes, it has been subdivided, which is inaccurate.

the City. These licenses were necessary because the City Land is part of land formerly used as a railroad corridor, which the State of New Hampshire conveyed to the City in 2002.

The State's conveyance came with restrictions, including a 30-foot transportation easement that runs down the corridor and allows for "any mode of public travel." The conveyance also required that the City manage the land as a recreational trail, that federal historic review must occur prior to alteration of the railroad corridor, and that State approval must be given before selling any of the corridor.

In 2005, the Board of Mayor and Aldermen adopted a policy to address these restrictions across the corridor. That policy specifically states that it "discourage[s] private sector uses on the . . . railroad corridor," "[t]hat the general public will retain continual freedom of movement over the . . . railroad corridor," and, "[e]xcept in cases of extreme hardship, that any and all uses permitted by the City shall be by written revocable license." *See attached railroad policy.*

Since the adoption of that policy, the City has issued a handful of revocable licenses to property owners. Recent grants have included use of the corridor for parking for a 9-unit apartment building on Belmont Street and for paved truck access to RSCC Aerospace and Defense on Hayward Street.

It would be unusual, however, for the BMA to sell any of the railroad corridor, as Mr. Provencher requests. The Planning Department has a record of only one such conveyance occurring since the enactment of the railroad policy. In 2015, this Committee received a request from the owner of Hoitt's Furniture at 267 Wilson Street to purchase a 0.096-acre, approximately 15-foot-wide strip of land from the side of the railroad corridor. Hoitt's asserted that the strip was necessary to access the rear loading dock of its building and that interested buyers had backed out of purchasing the property when they found out that access to loading docks was guaranteed only by a revocable license. The Committee met on February 17, 2015, then held a special meeting on June 2. During the special meeting, Fire Marshal Peter Lennon spoke, stating that the 15-foot strip of land is also necessary for fire access to the building and requested that the lane be maintained. The Committee recommended the sale of the 15-foot strip. After obtaining the required State approval of the sale, the Board of Mayor and Aldermen approved the sale in September. The conveyance left approximately 50 feet of the corridor's width remaining. *See attached survey of 267 Wilson Street.*

Recommendation

The Planning and Community Development Department recommends that this Committee deny Mr. Provencher's request to deem the City Land surplus and sell it to him.

Selling the land to Mr. Provencher would contradict the intent of the City's railroad policy to allow the public "continual freedom of movement over the . . . railroad corridor." It would also contradict the requirement in the conveyance from the State that the City shall "use and manage the abandoned railroad corridor as a recreational trail for use by the general public." Unlike the 15-foot-wide strip requested by Hoitt's, Mr. Provencher requests to purchase an area that is approximately 40 feet wide. This would significantly impinge on the corridor, which is approximately 65 feet wide. Future use of the corridor as a public trail or right-of-way may be negatively affected if the City Land becomes privately owned.

Further, Mr. Provencher's petition requests ownership of the City Land, but his correspondence does not allege an "extreme hardship," as is required by the railroad policy. It appears that he is able to use his parking area well, without any hardship, with the existing revocable license. In contrast to Hoitt's

Furniture, all sides of Mr. Provencher's building are accessible without the use of the railroad corridor.
See attached photographs.

For the foregoing reasons, this department recommends denial of the request. If you have any questions, staff from this department will be available at your meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffrey Belanger', with a long horizontal flourish extending to the right.

Jeffrey Belanger, Senior Planner
Manchester Planning and Community Development Department

Cc: Kevin Shepard, PE, Director of Public Works
Robert Gagne, Chairman, Board of Assessors
File

Tax Map 356, Lot 1A

Parcel Owned by City and Requested for Sale

Silver Street

Maple Street

Tax Map 356, Lot 1
Owned by Mr. Provencher

Tax Map 356, Lot 1A
Owned by the City

0 20 40 80 Feet



Produced by the Manchester Planning and Community Development Department
for a report submitted to the Committee on Lands and Buildings on April 27, 2016.

***City of Manchester Policy
Regarding
Private Sector Use of
the Former Portsmouth Branch Railroad Line Right-of-Way***

1. *BECAUSE* the conveyance deed which transferred the former Portsmouth Branch Line right-of-way from the State of New Hampshire to the City of Manchester requires that the City of Manchester “*shall use and manage the abandoned railroad corridor as a recreational trail for use by the general public*”, and
2. *BECAUSE* that same deed requires that “*Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to the Section 106 historic review process*”; and
3. *BECAUSE* that same deed requires that the “*City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor*”; and
4. *BECAUSE* that same deed reserves to the State of New Hampshire “*a transportation easement, 30 feet in width, crossing all the [parcels associated with the former Portsmouth Branch Line ROW] for any mode of public travel. . . .*”, and
5. *BECAUSE* any application by the City for state and federal Section 106 historic review which would be necessitated by any alteration to the former Portsmouth Branch railroad corridor would represent a significant time and monetary expense to the City;
6. It is *CONSEQUENTLY* the policy of the City of Manchester to

PROMOTE the development of authorized public recreational uses along the former Portsmouth Branch railroad corridor; and, in order to satisfactorily ensure this end,

DISCOURAGE private sector uses on the former Portsmouth Branch railroad corridor.
7. In any exceptional case where the City is considering the authorization of private sector use of any portion of the former Portsmouth Branch railroad corridor, it is also the policy of the City of Manchester to ensure the following:
 - (a) That any terrain alteration activities will be strictly limited to removal of steel rails and wooden ballast works, the installation of recreational trails, and/or installation of a loam and grass seed cover and work will be carried out under the supervision, and to the satisfaction, of the Parks, Recreation and Cemetery Department;
 - (b) That all approved terrain alteration, recreational trail installation, and/or loam and grass seeding activity will be carried out and paid for by the authorized private sector entity;
 - (c) That no structure including fencing, not related to recreational trail usage will be constructed or placed within any portion of the former Portsmouth Branch railroad corridor;

- (d) That the general public will retain continual freedom of movement over the Portsmouth Branch railroad corridor;
 - (e) That no use will be authorized if its current or future purpose is to satisfy, or aid in satisfying for any private sector person or entity, any zoning ordinance, site plan or subdivision requirement, or any other municipal ordinance or regulation;
 - (f) That no use will be authorized if any activity associated with that use would sufficiently alter the former Portsmouth Branch railroad corridor in such a way as to necessitate any state or federal evaluation under the Section 106 historic review process;
 - (g) Except in cases of extreme hardship, that any and all uses permitted by the City shall be by written revocable license;
 - (h) That any and all issued licenses shall contain a provision which will allow it to be revocable by the City, in its sole discretion at any time for any reason. Upon revocation the private person or entity shall return Portsmouth Branch corridor to its original condition or to such condition as the Parks, Recreation and Cemeteries Department shall agree; and
 - (i) That any issued license may contain any provision deemed reasonable by the City Solicitor to carry out the intent of this policy or for any other purpose.
8. Procedure: Any person or entity wishing to use a portion of a former Portsmouth Branch railroad corridor shall:
- (a) Submit a written application to the Committee on Lands and Buildings (c/o the City Clerk) which shall include a listing of the specific uses planned for the former Portsmouth Branch railroad corridor and shall also include a site plan of the affected area which has been prepared and signed by a licensed surveyor. The site plan shall, at minimum, show the boundaries of the former Portsmouth Branch railroad corridor, the location of the applicant's property, and existing and proposed site conditions.
 - (b) The City Clerk shall send a copy of the application to the Planning and Community Development Department and to the Parks, Recreation and Cemeteries Department for review and recommendation.
 - (c) Once the City Clerk has received the recommendations of the Planning and Community Development and Parks, Recreation and Cemeteries Departments, the application along with the departmental recommendations shall be placed on the agenda of the Committee on Lands and Buildings for Committee action.
 - (d) Should the Committee on Lands and Buildings recommend that the uses proposed in the written application, as it may be amended, be allowed, that recommendation shall then be sent to the Board of Mayor and Aldermen for action.

REFERENCE PLANS

1. BOSTON & MAINE RAILROAD V.L. SHEET 28-40.
2. LAND OF USM CO. ON HALL, HAYWARD & WILSON ST. MANCHESTER, NH.* DATED 6/5/1933. PREPARED BY GEORGE C. BENJAMIN. HCD PLAN 911.
3. BOUNDARY PLAN OF LAND, TAX MAP 101 - LOT 8, TAX MAP 342 - LOT 41, VALLEY ST., HALL ST. & HAYWARD ST., MANCHESTER, NH. OWNER OF RECORD, INTERNATIONAL PAPER, PREPARED FOR: PNC CORPORATION, DATED 3/15/1996, PREPARED BY BDC C. MITCHELL & ASSOC. INC. HCD PLAN 28118.
4. MORGAN MANUFACTURING COMPANY PLANS.

REFERENCE PLANS CONTINUED

5. TAX MAP 128 LOT 1A, PROPOSED PAVING PLAN PREPARED FOR HAY PLAN & HAY PLAN, LOCATED AT 66 VALLEY STREET, MANCHESTER, NH. LATEST REVISION ON JUNE 19, 2014 AND PREPARED BY THIS OFFICE. ON FILE AT THIS OFFICE.
6. CITY OF MANCHESTER SECTION SHEET K.
7. SURVEY PLAN OF LAND FOR PETER SPRECK, HAYWARD STREET, MANCHESTER, NH. DATED 3/17/1986, PREPARED BY MARTIN J. NICCO, RLS. HCD PLAN 19018.
8. PLAN OF LOTS OF THE ELLIOTT MANUFACTURING COMPANY, DATED 12/3/1892, PREPARED BY JOSEPH B. SAWYER, HCD PLAN 64.

TAX MAP 128 LOT 19
MANCHESTER, NH - TOWN &
BOONVILLE PLAZA
P.O. BOX 159
DEERFIELD, IL 60015
BK. 5916 PG. 392

TAX MAP 44 LOT 1
TAN, PROPERTIES, LLC
20 CONCORD STREET
WILMINGTON, MA 01887
BK. 592 PG. 286

TAX MAP 109 LOT 6
PNC CORPORATION
77A OLD BERRY ROAD
LONDONBERRY, VA 03053
BK. 538 PG. 561

TAX MAP 109 LOT 4
CARL LONGO EXEMPT
FAMILY TRUST
1220 UNION STREET
MANCHESTER, NH 03104
BK. 6868 PG. 588

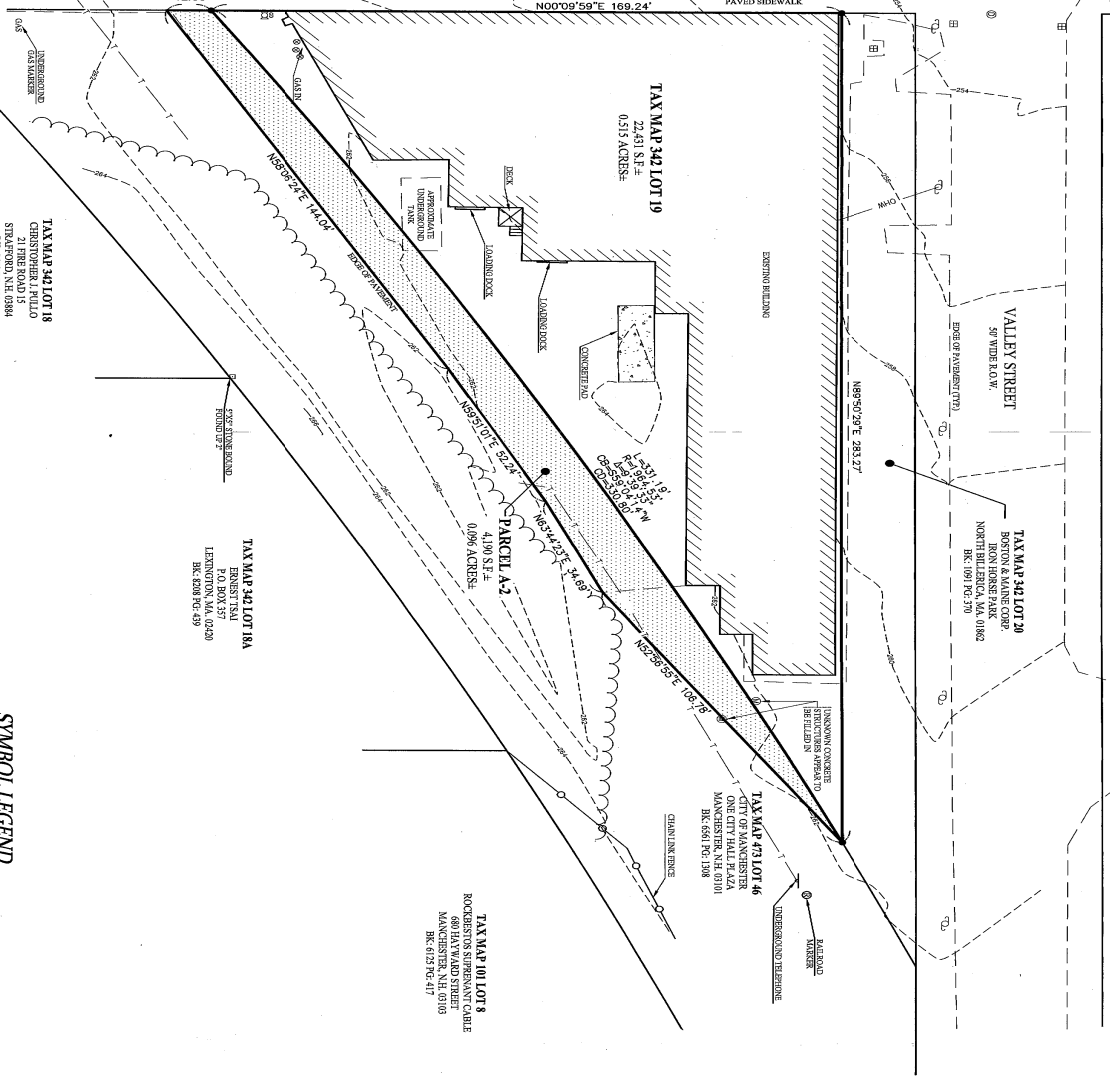
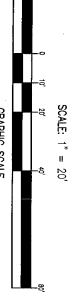
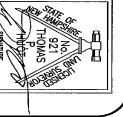
TAX MAP 109 LOT 3
MANCHESTER, NH
21 LINCOLN STREET
MANCHESTER, NH 03103 - 5993

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND WAS AN ERROR OF CLOSURE OF GREATER ACCURACY THAN ONE PART IN TEN THOUSAND (1:10,000).*

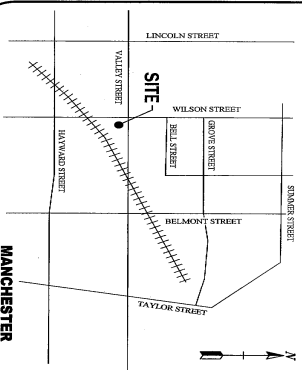
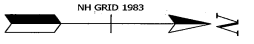
LICENSED LAND SURVEYOR

DATE



SYMBOL LEGEND

- WATER SHUTOFF
- SEWER MANHOLE
- DRAIN MANHOLE
- GAS SHUTOFF
- UTILITY POLE
- CATCH BASIN
- SIGN
- OVERHEAD WIRE
- REBAR W/ ID CAP OR PAUL ROAD SPIKE SET
- BOUND FOUND



LOCUS MAP

NOT TO SCALE

NOTES

1. OWNERS OF RECORD:
TAX MAP 342 LOT 19
MARGUERITE C. LONGO &
PAUL BUCKLEY SR. TRUSTS
CARL J. LONGO EXEMPT FAMILY TRUST
SUITE 401
75 MARKET STREET
PORTLAND, ME 04101
BK. 6868 PG. 588
2. THE INTENT OF THIS PLAN IS TO SHOW THE PROPOSED AMENDATION OF PARCEL A-2 TO BECOME A PART OF LOT 19.
3. THE SUBJECT PARCEL IS ZONED "RD", SETBACKS ARE AS FOLLOWS:
FRONT = NONE
SIDE = NONE
REAR = NONE
4. THIS PLAN REPRESENTS EXISTING CONDITIONS, BOUNDARY EVIDENCE, AND HOMEOWNERS' ASSOCIATION AS OBSERVED DURING A SURVEY BY THIS OFFICE IN JULY 2014.
5. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR 5,000 YEAR 15 AS SHOWN ON THE FLOOD INSURANCE RATE MAP R24-HILLSBOROUGH COUNTY, NEW HAMPSHIRE. MAP NUMBER 3301103702, EFFECTIVE DATE SEPTEMBER 25, 2009.
6. ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE. THIS OFFICE HAS NOT LOCATED ANY UNDERGROUND UTILITIES, ALWAYS CALL DIG SAFE TO MARK OUT UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION ACTIVITIES.
7. THIS PLAN DOES NOT CONSTITUTE A LOT LINE ADJUSTMENT APPROVAL FROM THE CITY OF MANCHESTER. THE PLANNING BOARD WOULD BE REQUIRED TO APPROVE THIS PLAN AND THE PLANNING BOARD WOULD BE REQUIRED TO APPROVE LOT 19 TO BECOME AN AREA THAT THEY WOULD LIKE TO PURCHASE FROM THE CITY OF MANCHESTER.

TAX MAP 342 LOT 19
EXHIBIT PLAN 2
PREPARED FOR:
CARL J. LONGO EXEMPT
FAMILY TRUST
LOCATED AT:
267 WILSON STREET
MANCHESTER, NEW HAMPSHIRE

SSHLAND
SERVICES
SHLANDSERVICES.COM
1777 WILMINGTON ROAD - MANCHESTER, NH
PHONE: (603) 468-8800, FAX: (603) 548-7791

SCALE: 1"=20' DATE: JUNE 13, 2015 FB: 5 PG. 73 JOB #2014189



Access to 356-1 from Silver Street



Access to 356-1 from Maple Street

Brenda Masewic Adams, CTC
Tax Collector



Deputy Tax Collector

CITY OF MANCHESTER ***TAX COLLECTOR***

Memorandum

DATE: May 3, 2016
TO: Committee on Lands & Buildings
FROM: Brenda Masewic Adams, Tax Collector
RE: Map 0356, Lot 0001A, Silver St

As requested, the following contains information regarding property located at:
SILVER ST

Map/Lot: 0356/0001A
Current Liens: None
Back Taxes: \$5,127.67 as of 5/9/16
Interest Per Day: \$1.37

The above-referenced was not a tax-deeded parcel and, as such, the Tax Collector's Office has no objections to the disposition of this property. Attached are statements of accounts.

Account description				Property address/description			
Owner name				Tax account ID Roll			
Yr	P	Billed amt	Tax due	Pen/int	Other +/-	Costs	Total due
				Per diem	Per diem		
0356 -0001A				SILVER ST			
CITY OF MANCHESTER				219934 RE REAL ESTATE TAX			
2013	2	1831.74	1831.74	524.90	.00	.00	2356.64
				.60	.00		
2014	1	916.27	916.27	201.97	.00	.00	1118.24
				.30	.00		
2014	2	982.53	982.53	163.89	.00	.00	1146.42
				.32	.00		
2015	1	454.74	454.74	45.63	.00	.00	500.37
				.15	.00		
2015	2	.00	.00	.00	.00	.00	.00
				.00	.00		
Property totals			4,185.28		.00		5,121.67
		4,185.28		936.39		.00	
Total per diem:				1.37	.00		
Grand totals:			4,185.28		.00		5,121.67
		4,185.28		936.39		.00	
Per diem:				1.37	.00		

Interest amounts shown above are calculated as of 5/09/2016

City of Manchester, NH
Tax Collector's Office
One City Hall Plaza
Manchester NH 03101
Phone: (603) 624-6575
5/09/16

Map-Lot
0356 -0001A

219934

CITY OF MANCHESTER
C/O ROBERT H PROVENCHER
333 CALEF RD
MANCHESTER NH 03103

Legal Description
SILVER ST

* * D E L I N Q U E N T T A X S T A T E M E N T * *

TAX YEAR =====	BASE TAX =====	PENALTY/INT =====	OTHER +/- =====	TOTAL DUE =====
13-2 RETX	1,831.74	524.90	.00	2,356.64
14-1 RETX	916.27	201.97	.00	1,118.24
14-2 RETX	982.53	163.89	.00	1,146.42
TOTAL 14	1,898.80	365.86	.00	2,264.66
15-1 RETX	454.74	45.63	.00	500.37
Total Due	4,185.28	936.39	.00	5,121.67

This is a statement of your delinquent REAL ESTATE TAX
as of 05/09/16.

BRADY SULLIVAN

PROPERTIES

Marc A. Pinard, General Counsel
Direct Line: 603 657-9715
Email: mpinard@bradysullivan.com
Licensed to practice in New
Hampshire & Massachusetts

November 23, 2015

NOV 24 2015

VF

Mayor Ted Gatsas
One City Hall Plaza
Manchester, NH 03101

Re: Proposed Purchase of Land Comprising Plaza Drive

Dear Mayor Gatsas:

On behalf of Brady Sullivan Properties, LLC, and its affiliate, Brady Sullivan Plaza, LLC (collectively "Brady Sullivan"), I write to propose the purchase by Brady Sullivan of the land comprising Plaza Drive in Manchester for the sum of Fifty Thousand Dollars \$50,000.00.

If Brady Sullivan acquires the property, the City's tax base will be benefited and the City will no longer have to maintain the street and the sidewalks, saving the taxpayers significant expense.

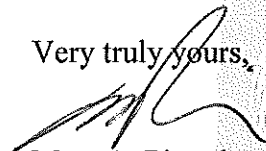
If a purchase is consummated, Brady Sullivan will agree to leave the area open to the public until such time as a development deal requires that the area be closed to public use. This will allow the public to continue to pass through the area in the interim.

The proposed purchase price is based upon the land not being useable by a Buyer other than the owner of the Plaza property, which significantly affects its potential market value.

Based on the totality of the circumstances, Brady Sullivan believes that the City will benefit greatly through this sale.

Thank you for your attention to this request. We look forward to your response.

Very truly yours,



Marc A. Pinard

670 N. COMMERCIAL STREET MANCHESTER NH 03101
P 603.622.6223 F 603.622.7342
BRADYSULLIVAN.COM